

## ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn, the adjournment being until Monday at 12 o'clock.

The motion was agreed to; and (at 1 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, May 3, 1926, at 12 o'clock meridian.

## SENATE

Monday, May 3, 1926

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our heavenly Father, in Thy good providence Thou hast permitted us to meet once again to enter upon the duties appointed. We humbly beseech Thee for Thy guidance this day, so that in all the proceedings the spirit of happy cooperation may be in evidence and the high purposes of our Nation so managed that Thy glory shall be advanced and each one shall feel that duty has been well performed. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, April 29, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## MUSCLE SHOALS

Mr. NORRIS. Mr. President, I want to prefer a unanimous-consent request. I ask unanimous consent that the minority report of the joint committee on Muscle Shoals be printed and that the evidence taken at the hearings of the joint committee be printed for the use of the Senate.

Mr. CURTIS. Mr. President, I understood that that question was to be submitted to-day by the chairman of the joint committee. I wish the Senator from Nebraska would withhold his request until the Senator from Illinois [Mr. DENEEN] is in the Chamber.

Mr. NORRIS. Very well; I will let it go until then. If the chairman of the committee is to submit the request, let that course be taken. It ought to have been done long ago. I withdraw the request for the present.

## CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

|           |                |             |            |
|-----------|----------------|-------------|------------|
| Ashurst   | Fernald        | Keyes       | Sackett    |
| Bayard    | Ferris         | King        | Schall     |
| Bingham   | Fess           | La Follette | Sheppard   |
| Blease    | Fletcher       | Lenroot     | Shipstead  |
| Borah     | Frazier        | McKellar    | Shortridge |
| Bratton   | George         | McKinley    | Simmons    |
| Broussard | Gillett        | McLean      | Smith      |
| Bruce     | Glass          | McMaster    | Smoot      |
| Butler    | Goff           | McNary      | Stanfield  |
| Cameron   | Gooding        | Mayfield    | Steck      |
| Caraway   | Greene         | Means       | Stephens   |
| Copeland  | Hale           | Metcalf     | Swanson    |
| Couzens   | Harrell        | Moses       | Trammell   |
| Cummins   | Harris         | Neely       | Tyson      |
| Curtis    | Harrison       | Norbeck     | Walsh      |
| Dale      | Heflin         | Norris      | Warren     |
| Deneen    | Howell         | Nye         | Watson     |
| Dill      | Johnson        | Overman     | Weller     |
| Edge      | Jones, N. Mex. | Phipps      | Wheeler    |
| Edwards   | Jones, Wash.   | Ransdell    | Williams   |
| Ernst     | Kendrick       | Reed, Pa.   | Willis     |

Mr. CURTIS. I desire to announce that my colleague [Mr. CAPPER] is absent on account of illness in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

## PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 1, 1926, the President had approved and signed the following acts:

S. 43. An act authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe;

S. 959. An act for the relief of Tena Pettersen;

S. 977. An act for the relief of A. V. Yearsley;

S. 1360. An act for the relief of the estate of William P. Nisbett, sr., deceased;

S. 1803. An act for the relief of Walter W. Price;

S. 2982. An act to provide for the conveyance of certain land owned by the District of Columbia near the corner of Thirteenth and Upshur Streets NW. and the acquisition of certain

land by the District of Columbia in exchange for said part to be conveyed, and for other purposes; and

S. 3538. An act authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma.

## DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a list of documents and files of papers in the Patent Office not needed or useful in the transaction of current business and having no permanent value or historic interest, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. BUTLER and Mr. SMITH members of the committee on the part of the Senate.

## PETITIONS AND MEMORIALS

Mr. FESS presented a resolution of the council of the city of Conneaut, Ohio, favoring the erection of a Federal building in that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. REED of Pennsylvania presented a petition of sundry citizens of Beaver County, Pa., praying for such an amendment to the Constitution of the United States as "shall suitably acknowledge Almighty God as the source of all authority and power in civil government, the Lord Jesus Christ as the ruler of nations, and His revealed will as of supreme authority in national affairs," which was referred to the Committee on the Judiciary.

Mr. GOODING. Mr. President, I am in receipt of a telegram this morning from a farm organization in my State in which they favor the Haugen bill and oppose the Tinscher bill. I ask that the telegram may be referred to the Committee on Agriculture and Forestry and printed in the RECORD.

There being no objection, the telegram was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

MOSCOW, IDAHO, May 2, 1926.

Senator FRANK R. GOODING,

Washington, D. C.:

Farmers had meeting to-day. Large attendance. All favor Haugen bill for farm relief. Opposed to Tinscher bill. Individual letters to Haugen and Jardine are being mailed.

IDAHO EXPORT COMMERCE LEAGUE,  
GEORGE SIEVERS, Secretary.

• Mr. JOHNSON. I ask leave to have printed in the RECORD and referred to the Military Committee a telegram from the president of the University of California, relating to two bills which are now pending.

There being no objection, the telegram was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

BERKELEY, CALIF., April 28, 1926.

HON. HIRAM JOHNSON,

United States Senate, Washington, D. C.:

I have just learned about Frazier Senate bill 3746 and Welsh House bill 8538. These bills, if passed, would automatically abolish compulsory military training in University of California and many other land-grant colleges. Such a result would be regarded by the president and regents of the University of California and by the overwhelming majority of California citizens as exceedingly unfortunate. This university charges to its students of California residence only from one-fifth to one-twentieth of the cost of services rendered in their behalf by the university, and in partial return for the nearly free education service all able-bodied students in the university are required to take military training through two years, amounting to a total of about 120 hours of active service in all. The claim of pacifists and others that this military training makes students desire the coming of war is all bosh. Recently, when addressing our regiment containing 1,800 men, I definitely invited any member of regiment whose training had created within him a desire for war to hold up his hand; no hand was raised. Military training in our colleges is not only desirable as preparation for defense of country in case of need, but it prepares men to command successfully other men in the ordinary affairs of life, and there are other similar advantages.

WILLIAM WALLACE CAMPBELL, President.

## REPORTS OF COMMITTEES

Mr. PHIPPS, from the Committee on Education and Labor, to which was referred the bill (H. R. 7555) to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23,

1921, reported it with amendments and submitted a report (No. 745) thereon.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 248) for the relief of the Central National Bank, Ellsworth, Kans., reported it without amendment and submitted a report (No. 746) thereon.

#### RIO GRANDE RIVER BRIDGES, TEXAS

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 9346) granting the consent of Congress to the construction of a bridge across the Rio Grande, and I submit a report (No. 743) thereon.

Mr. SHEPPARD. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, in section 1, page 2, line 9, before the word "such," to insert "and subject to the conditions and limitations of this act," and to strike out section 2 in the following words: "Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved," and to insert the following additional sections:

SEC. 2. That the said El Paso Electric Co. and the El Paso & Juarez Traction Co., its successors or assigns, shall within 90 days after the completion of the bridge constructed under the authority of this act file with the Secretary of War an itemized statement under oath showing the actual original cost of such bridge and its approaches and appurtenances, which statement shall include any expenditures actually made for engineering and legal services; and any fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such itemized statements of cost shall be investigated by the Secretary of War at any time within three years after the completion of such bridge, and for that purpose the said El Paso Electric Co. and the El Paso & Juarez Traction Co., its successors or assigns, in such manner as may be deemed proper, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of the Secretary of War as to the actual cost of such bridge shall be made a part of the records of the War Department.

SEC. 3. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said El Paso Electric Co. and to the El Paso & Juarez Traction Co., its successors or assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 4034) granting the consent of Congress to Texas-Coahuila Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico, and I submit a report (No. 744) thereon.

Mr. SHEPPARD. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The amendments of the Committee on Commerce were, in section 1, page 1, line 11, after the numerals "1906" to insert a comma and "and subject to the conditions and limitations of this act," and on page 2, to strike out section 2 in the following words: "Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved," and to insert the following additional sections:

SEC. 2. That the said Texas-Coahuila Bridge Co., its successors or assigns, shall within 90 days after the completion of the bridge constructed under the authority of this act file with the Secretary of War an itemized statement under oath showing the actual original cost of such bridge and its approaches and appurtenances, which statement shall include any expenditures actually made for engineering and legal services; and any fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such itemized statements of cost shall be investigated by the Secretary of War at any time within three years after the completion of such bridge, and for that purpose the said Texas-Coahuila Bridge Co., its successors or assigns,

in such manner as may be deemed proper, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of the Secretary of War as to the actual cost of such bridge shall be made a part of the records of the War Department.

SEC. 3. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Texas-Coahuila Bridge Co., its successors or assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage, foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

#### ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on May 1, 1926, that committee presented to the President of the United States the enrolled bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FESS:

A bill (S. 4153) to provide for enlarging and relocating the United States Botanic Garden, and for other purposes; to the Committee on the Library.

By Mr. JONES of Washington:

A bill (S. 4154) to grant to the city of Seattle, in the State of Washington, certain rights of way for water-main tunnel purposes over and across the reservation for the old and new locations of the Lake Washington Canal; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 4155) to authorize the settlement of the indebtedness of the French Republic to the United States of America; to the Committee on Finance.

By Mr. ERNST:

A bill (S. 4157) providing for a mine-rescue station and equipment at Hazard, Ky.; to the Committee on Mines and Mining.

By Mr. WILLIS:

A bill (S. 4158) authorizing the President to reappoint John Marvin Wright (formerly an officer in the Corps of Engineers, United States Army) an officer in the Corps of Engineers, United States Army; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 4159) to rearrange and reconstruct the Senate wing of the Capitol; to the Committee on Appropriations.

#### REGULATION OF RADIO COMMUNICATIONS

Mr. DILL. I ask unanimous consent to introduce and have referred to the Committee on Interstate Commerce the so-called White radio bill as it has been reconstructed by the Committee on Interstate Commerce.

The bill (S. 4156) for the regulation of radio communications, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

#### AMENDMENT TO PUBLIC BUILDINGS BILL

Mr. BLEASE submitted an amendment intended to be proposed by him to the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, which was ordered to lie on the table and to be printed.

#### REFORM OF FEDERAL PROCEDURE

Mr. SHEPPARD. I ask unanimous consent to have published as a Senate document a very able address by the senior Senator from Montana [Mr. WALSH] before the Tri-State Bar Association at Texarkana, Ark.-Tex., on April 23.

The VICE PRESIDENT. Without objection, it is so ordered.

#### AMERICAN AND CANADIAN FREIGHT RATES ON GRAIN

Mr. WHEELER. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Washington Farmer of April 29, 1926, relative to the freight rates on grain in the United States and Canada.



There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGH UNITED STATES FREIGHT RATES WOULD HAVE COST CANADIAN WHEAT GROWERS \$30,000,000 IN 1925

In preceding articles in the Farmer we showed beyond contradiction that freight rates on grain on the American western rails are much higher than on the western Canadian roads for the same service.

Mile for mile the freight rates on eastbound grain are just twice as high on the American lines; and on westbound grain shipments the farmers of the prairie Provinces of Canada enjoy rates that are only 60 per cent of those that the American roads charge our western farmers.

The Canadian Government is claiming credit for that preferential treatment of its farmers. Its information bureau at Ottawa sends the Farmer the following statement of figures presented to the Canadian Parliament by Hon. James A. Robb, Minister of Finance:

"An interesting comparison of freight rates charged in the United States and Canada was made in the Canadian Parliament a few days ago. A question was asked as to the amount of grain and grain products hauled by the Canadian Pacific Railway in western Canada in the calendar year 1925. Hon. James A. Robb, Minister of Finance, in reply, presented figures showing that in 1925 the railway in question hauled 5,873,286 tons of grain and grain products to Vancouver.

"The question included this clause: 'What additional total gross revenues would have been earned had this traffic been carried under existing rates on similar traffic in the United States?' The answer was approximately \$17,926,271.

"As freight rates are an important factor in determining the price paid to the farmer for his products, it is apparent that the farmers of western Canada in 1925 received nearly \$18,000,000 more for their grain and grain products shipped over the Canadian Pacific Railway than they would have received if they had been paying United States freight rates.

"During the same period the Canadian Pacific Railways hauled 4,510,952 tons to the head of the Lakes and 473,778 tons to Vancouver. Counting the quantities handled on both roads the Canadian farmer saved in freight rates, as compared with a similar amount of business over American roads, more than \$30,000,000."

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had agreed to the following concurrent resolution (H. Con. Res. 24), in which it requested the concurrence of the Senate.

*Resolved by the House of Representatives (the Senate concurring).* That the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich., be recommitted to the committee of conference.

#### FOREIGN-DEBT SETTLEMENTS

Mr. SMOOT. Mr. President, last Friday the Senator from Missouri [Mr. REED] bitterly criticized the action of the World War Foreign Debt Commission.

Mr. KING. Mr. President, will my colleague yield? The Senator from Missouri is not here. If my colleague is going to make any comment on the speech of the Senator from Missouri, I hope he will wait until that Senator is in the Chamber.

Mr. SMOOT. I am not going to comment at all. His remarks were made in the Senate, and I simply want to make a correction. He charged the commission with the usurpation of power that was not given to them by the Congress. I notice in his speech the following statement:

I do not propose to let anybody get away from the main fact if I can help it. Congress knew that there was an agitation in foreign countries to repudiate or cut down their indebtedness; that there was an agitation in foreign countries to cut down the interest upon their indebtedness. With that knowledge, Congress enacted a law. Congress wanted to put an end to any such contention on the part of any foreign nation and to serve notice upon all of them that if they settled their debts and obtained the benefit of the extension of time, they must give their obligations for the full amount they owed the United States with interest at 4½ per cent. The debates of that time will bear out the statement I have just made and will clearly show this to have been the expressed purpose of Congress.

Therefore we picked out five men. We said to them, "Here is the commission which is your warrant of authority; so long as you act in pursuance of the authority we have granted, you are a commission for that purpose, and that purpose only." When the commission went outside of that authority, it no longer was a commission; it no longer had any warrant of authority; it was the case of five individuals presuming on their own authority and in their own right to sit down and negotiate in the name of the United States a contract which the com-

mission was never authorized even to talk about. It is a piece of superlative insolence. It is so devoid of all common decency that similar conduct would bring a blush of shame to the brazen cheek of a first-class orthodox devil.

There is no need for me to read any further, but for the information of the Senate I want to call attention to the act which was approved February 28, 1923, amending the act of February 9, 1922, the act to which the Senator from Missouri refers. The latter act amended the act of February 9, 1922, so as to read, and the following authority was given to the commission:

For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue.

This had reference to the British debt settlement.

Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest—is hereby approved and authorized, and settlements with other governments indebted to the United States are hereby authorized to be made upon such terms as the commission, created by the act approved February 9, 1922, may believe to be just, subject to the approval of the Congress by act or joint resolution.

SEC. 2. That the first section of the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922, is amended to read as follows:

"That a World War Foreign Debt Commission is hereby created consisting of eight members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and seven of whom shall be appointed by the President, by and with the advice and consent of the Senate. Not more than four members so appointed shall be from the same political party."

Mr. President, when this question came up on Friday I had forgotten the details of the act amending the act of February 9, 1922. I simply present this matter for the RECORD this morning in order that the country and the Senate may see that the World War Foreign Debt Commission have assumed no authority other than that granted them by the act of Congress.

Mr. HARRISON. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. SMOOT. Certainly.

Mr. HARRISON. When does the Senator propose to ask the Finance Committee to take up the French debt settlement?

Mr. SMOOT. My proposition was to take it up immediately after the House had passed the bill or acted upon it.

Mr. HARRISON. May I ask the chairman of the Finance Committee if he will have any objection to holding open sessions for the consideration of the French debt settlement?

Mr. SMOOT. The Senator is a member of the Committee on Finance, and he knows that the practice of the committee as to open sessions or closed sessions is left entirely with the committee. If the committee desire open sessions and they so order it, there will be open sessions.

Mr. HARRISON. The Senator from Utah did not understand my question. I asked him if he would cooperate with those of us who wanted to have open sessions in the effort to secure open sessions.

Mr. SMOOT. The Senator from Mississippi had better wait until we see what is the character of the hearings in the other House before he himself even will say that he is going to favor open hearings.

Mr. HARRISON. I can not understand how the action of the House of Representatives should influence me in the slightest degree. There are certain facts that we desire to ascertain. We want to have the matter fully discussed here upon the floor of the Senate, as were the other debt-settlement measures, and it seems to me we ought to have open sessions touching the French debt settlement.

Mr. SMOOT. If the House of Representatives should have complete hearings and should go into the details of the matter, I do not think the Senator from Mississippi would desire that the Senate should then go over the same ground. That has not been the practice of committees generally, of the Finance Committee, or any other committee of the Senate.

Mr. HARRISON. No; I should not want to go over the same ground, but it seems to me that the Senate will expect the Finance Committee to go fully into the question.

Mr. SMOOT. I think there will be hearings which will be satisfactory to the Senator.

#### AMENDMENT OF THE RULES

Mr. JONES of Washington. Mr. President, pursuant to notice which I gave on last Saturday, I desire to offer an

amendment to the rules, and I ask that it may be printed and lie on the table.

Mr. NEELY. I ask for the reading of the amendment to the rules proposed by the senior Senator from Washington [Mr. JONES].

The resolution (S. Res. 217) was read and ordered to lie on the table, as follows:

*Resolved*, That Rule XIX of the Standing Rules of the Senate be, and it is hereby, amended by adding thereto a new paragraph, to be No. 7, as follows:

"7. Debate shall be confined to the subject matter under consideration, and all points of order relating thereto shall be decided by the Chair without debate. Upon an appeal from a decision of the Chair upon any such point of order no Senator shall speak more than once or longer than 10 minutes."

#### AGRICULTURAL RELIEF LEGISLATION

Mr. WILLIS. Mr. President, there has been much discussion in both branches of Congress relative to the subject of agricultural relief. Undoubtedly there will be more of such discussion before final adjournment. So I ask permission in that connection to have printed in the RECORD a letter which I send to the desk from the president of the Ohio Farm Bureau Federation undertaking to set forth the views of that organization touching agricultural relief.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE OHIO FARM BUREAU FEDERATION,  
Columbus, Ohio, May 1, 1926.

Hon. FRANK B. WILLIS,  
Senate Office Building, Washington, D. C.

DEAR SENATOR: Knowing you will be busy on considering relief legislation along with many other of your legislative duties next week, would just like to again recite to you the position which our Ohio Farm Bureau group has taken, which is:

They favored the establishment of a division of cooperative marketing as originally outlined in the Haugen bill, but have been opposed to impractical equalization fees, such as was presented in the Dickinson bill. We believe this is equally true of the present Haugen bill.

The Federation is on record as definitely opposing governmental subsidies and price fixing.

Just attended a meeting of representatives of the Mid-West Farm Bureau presidents and secretaries, and the division of opinion was sufficient that they failed to pass any resolution indorsing the present Haugen bill. I also have a wire from one member of the legislative committee of the American Farm Bureau, in which he says the Haugen bill is not in accord with their resolution, and they can not approve it. He also urged Mid-West leaders to accept the principles of the Capper-Tincher bill in place of the equalization fee, as an amendment to the bill supported by farmer organizations.

As you know, our agriculture in Ohio is widely diversified with our large dairy interests, and we are not interested in the way of a few States, who only have certain specific types of grain crops.

Very truly yours,

L. B. PALMER, President.

HORACE G. KNOWLES

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 978) for the relief of Horace G. Knowles, which was, on page 1, line 5, to strike out "\$7,296.49" and to insert in lieu thereof "\$1,666.67."

Mr. MEANS. I move that the Senate disagree to the amendment of the House of Representatives, ask for a conference with the House on the disagreeing votes of the two Houses, thereon, and that the Vice President appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. MEANS, Mr. STANFIELD, and Mr. BAYARD conferees on the part of the Senate.

#### THE CALENDAR

The VICE PRESIDENT. There being no further morning business, the calendar under Rule VIII is in order.

Mr. CAMERON. I suggest that we begin the call of the calendar where it was left off when last before the Senate.

The VICE PRESIDENT. Is there objection?

Mr. SHEPPARD. I object, Mr. President.

The VICE PRESIDENT. Objection is made, and the Secretary will begin the call of the calendar with the first order of business.

#### BILLS PASSED OVER

The bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, was announced as first in order.

Mr. JONES of Washington. Let that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1824) for the relief of R. E. Swartz, W. J. Collier, and others was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### COMMANDER WALTER H. ALLEN, UNITED STATES NAVY

The bill (S. 2336) to reimburse Commander Walter H. Allen, civil engineer, United States Navy, for losses sustained while carrying out his duties, was announced as next in order.

Mr. OVERMAN. Mr. President, in as much as that bill has been adversely reported from the Committee on Claims, I move that it be indefinitely postponed.

The motion was agreed to.

#### BILLS PASSED OVER

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1929) to provide home care for dependent children of the District of Columbia was announced as next in order.

Mr. COPELAND. Mr. President, my colleague [Mr. WADSWORTH] desires to be present when that bill is considered. Therefore, I ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. WARREN. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

#### TOMB OF UNKNOWN SOLDIER

The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was announced as next in order.

Mr. KING. I ask that the joint resolution go over.

Mr. FESS. Mr. President, a parliamentary inquiry. Are we operating now under Rule VIII?

The VICE PRESIDENT. The Senate is proceeding with the consideration of the calendar under Rule VIII.

Mr. FESS. Was objection made to Order of Business 198, being Senate Joint Resolution 51?

The VICE PRESIDENT. Objection was made.

Mr. KING. I objected.

Mr. FESS. May I ask the Senator whether we may have an opportunity soon to consider the joint resolution under Rule VIII and discuss it and vote on it?

Mr. KING. Mr. President, of course I am only one out of this large body. So far as I am concerned, I am opposed to the joint resolution, but I have no objection if a reasonable time may be given for its consideration to having it taken up, but obviously it can not be considered under the five-minute rule.

Mr. FESS. I do not want to consume time when other Senators desire to have the bills on the calendar considered—

The VICE PRESIDENT. The Chair will remind the Senator that at half past 12 o'clock the Senate will convene as a court of impeachment.

Mr. FESS. Very well, then I will not move to take up the bill at this time.

#### BILLS PASSED OVER

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918,



commonly known as the Pittman Act, was announced as next in order.

Mr. BRATTON. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1897) to reinstate John B. Gray as a lieutenant commander in the United States Coast Guard was announced as next in order.

Mr. BINGHAM. Mr. President, I ask that that bill be passed over without prejudice to be returned to later after the managers of the impeachment trial on the part of the House shall have returned to their Chamber.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 3321) to increase the efficiency of the Air Service, United States Army, was announced as next in order.

Mr. KING. I understood that that bill had gone over.

Mr. BINGHAM. That was the bill to which I referred, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill be passed over.

The bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors in the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 491) for the allowance of certain claims for extra labor above the legal day of 8 hours at certain navy yards certified by the Court of Claims, was announced as next in order.

Mr. COPELAND. I ask that that bill go over to-day.

The VICE PRESIDENT. The bill will be passed over.

#### HUNTER-BROWN CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1304) for the relief of Hunter-Brown Co., which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Hunter-Brown Co., of Chattanooga, Tenn., the sum of \$1,198.08 as settlement in full for loss incurred through failure of the War Department to receive 192 cords of wood delivered by the Hunter-Brown Co. at Camp Forest, Ga., under the terms of a contract with the War Department entitled "Quartermaster Corps contract," which represents the sum of the amount agreed to be paid for the wood so delivered and expenses incurred by the Hunter-Brown Co. by reason of delayed delivery occasioned by the refusal of the agents of the War Department to receive the shipments of wood and in prosecuting its claim for the payment of the contract price, the War Department having since refused to approve or settle such claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FEES OF DISTRICT RECORDER OF DEEDS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2981) to amend section 553 of the Code of Law of the District of Columbia, which was read, as follows:

*Be it enacted, etc.,* That section 553 of the Code of Law for the District of Columbia be, and the same is hereby, amended by striking out the following clause, namely, "certified to by the Supreme Court of the District of Columbia, or by one of its justices appointed by it for that purpose, and," so that said section will read as follows:

SEC. 553. Salary; surplus to be paid into the Treasury: The Recorder of Deeds of the District of Columbia shall not retain of the fees and emoluments of his office for his personal compensation over and above his necessary clerk hire and the incidental expenses of his office, to be audited and allowed by the proper accounting officer of the Treasury, a sum exceeding \$4,000 a year or exceeding that rate for any time less than a year; and the surplus of such fees and emoluments shall be paid into the Treasury to the credit of the District of Columbia: *Provided,* That the number of clerks and others employed in the office of the recorder of deeds shall not be increased, except that additional copyists may be employed for temporary service as the necessities of the office may require, nor shall the salary or compensation of clerks and others be increased beyond the salaries or compensation paid

during the fiscal year 1901, to take effect with this code, and the salary of the deputy recorder of deeds shall be \$2,500 per annum, to be paid out of the fees and emoluments of said office of recorder of deeds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PENSIONS OF SOLDIERS OF SPANISH AND OTHER WARS

The bill (S. 3300) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, for the China relief expedition, certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes was announced as next in order.

Mr. NORBECK. This is a duplicate of a bill which has passed both the House and the Senate and been signed by the President. I, therefore, move that it be indefinitely postponed. The motion was agreed to.

#### TRUTH IN FABRICS

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### NATIONAL ARBORETUM

The bill (S. 1640) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, an amendment has been suggested with respect to this bill, but it has not been perfected, and I ask that the bill be temporarily laid aside.

Mr. HARRISON. Will not the Senator permit the bill to be passed even at the amount that was originally put in the bill so that no increase will be made?

Mr. KING. I think the bill had better go over.

Mr. WARREN. Mr. President, I wish to appeal to the Senator to allow the bill to be considered at this time.

Mr. KING. I have asked that the bill go over.

The VICE PRESIDENT. At the request of the Senator from Utah the bill will be passed over.

#### NATIONAL BANK BRANCHES

The bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, that bill can not be considered under the five-minute rule, and I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

#### MARTHA E. BRACE

The bill (S. 3259) authorizing the enrollment of Martha E. Brace as a Kiowa Indian and directing issuance of patent in fee to certain lands was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I ask that the bill go over.

Mr. HARRELD. Mr. President, I hope the Senator will withdraw his objection.

Mr. LA FOLLETTE. I ask that the bill go over without prejudice. I will consult with the Senator concerning the bill.

Mr. HARRELD. I wish to offer an amendment striking out two of the names and leaving in the bill the name of Martha E. Brace.

Mr. LA FOLLETTE. Let it go over for the present. I ask that it go over without prejudice.

Mr. HARRELD. Very well.

The VICE PRESIDENT. The bill will be passed over without prejudice.

#### BILLS PASSED OVER

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose

of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. KING and Mr. BLEASE asked that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2858) to fix the salaries of certain judges of the United States was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### WATERS OF PECOS RIVER

The bill (H. R. 3862) to provide for the storage of the waters of the Pecos River was announced as next in order.

Mr. JONES of New Mexico. I ask that that bill go over.

Mr. SHEPPARD. Mr. President, I move that the Senate proceed with the consideration of House bill 3862, notwithstanding the objection.

Mr. LENROOT. That can not be done.

The VICE PRESIDENT. The Chair will suggest that the hour of 12.30 has about arrived.

Mr. LENROOT. This is Monday morning and the morning hour is not as yet over.

The VICE PRESIDENT. There is only one minute more remaining before the Senate, sitting as a court of impeachment, will convene.

Mr. SHEPPARD. Mr. President, I am willing to let the motion be pending when we return to the calendar. I have a right to make the motion. The bill has been on the calendar for more than six weeks, and I think it ought to be disposed of.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas that the Senate proceed to the consideration of House bill 3862.

Mr. LENROOT. Mr. President, are we not still in the morning hour?

The VICE PRESIDENT. The Senate is considering the calendar under Rule VIII.

Mr. LENROOT. But we are still in the morning hour, and, under Rule VIII, that can not be done.

#### IMPEACHMENT OF JUDGE GEORGE W. ENGLISH

The VICE PRESIDENT (at 12 o'clock and 30 minutes p. m.). The hour of 12.30 o'clock has arrived, to which the Senate, sitting as a court of impeachment in the case of George W. English, United States district judge for the eastern district of Illinois, adjourned. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made proclamation, as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence on pain of imprisonment while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against George W. English, United States district judge for the eastern district of Illinois.

The VICE PRESIDENT. The Secretary will now call the names of those Senators who have not been sworn in, and such of those Senators as are now present in the Chamber will advance to the desk and take the oath.

Mr. BUTLER, Mr. EDWARDS, Mr. FLETCHER, Mr. MOSES, Mr. SCHALL, Mr. SIMMONS, Mr. SMITH, and Mr. WALSH advanced to the area in front of the Secretary's desk, and the Vice President administered to them the following oath:

You do, each of you, solemnly swear that in all things appertaining to the trial of the impeachment of George W. English, United States district judge for the eastern district of Illinois, now pending, you will do impartial justice, according to the Constitution and laws. So help you God.

At 12 o'clock and 32 minutes p. m. the managers on the part of the House of Representatives—with the exception of Mr. Manager MOORE—were announced, and they were conducted by the Assistant Doorkeeper to the seats assigned them in the area in front of the Secretary's desk.

The VICE PRESIDENT. The Sergeant at Arms will notify the counsel for the respondent.

Judge George W. English, the respondent, and Mr. William M. Acton, Mr. Edward C. Kramer, and Mr. W. F. Zumbern, counsel for the respondent, entered the Chamber and were conducted to the seats provided for them in the area in front of the Secretary's desk.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the last session of the Senate while sitting for the trial of the impeachment of George W. English.

The Journal of the proceedings of the Senate sitting as a court on the calendar day of Friday, April 23, 1926, was read.

The VICE PRESIDENT. The Secretary will read the return of the Sergeant at Arms to the summons directed to be served.

The Chief Clerk read as follows:

#### SENATE OF THE UNITED STATES,

##### OFFICE OF THE SERGEANT AT ARMS.

The foregoing writ of summons, addressed to George W. English, and the foregoing precept, addressed to me, were duly served upon the said George W. English by delivering to and leaving with him true and attested copies of the same at his chambers in the Federal Building, East St. Louis, Ill., on Monday, the 26th day of April, 1926, at 9 o'clock and 55 minutes in the forenoon of that day.

JOHN J. MCGRAIN,

Deputy Sergeant at Arms, United States Senate.

The VICE PRESIDENT. The Secretary will now administer to the Deputy Sergeant at Arms an oath in support of the truth of his return.

The Chief Clerk administered the following oath:

You, John J. McGrain, Deputy Sergeant at Arms of the Senate of the United States, do solemnly swear that the return made by you upon the process issued on the 23d day of April, 1926, by the Senate of the United States against George W. English is truly made, and that you have performed such service as therein described. So help you God.

Mr. JOHN J. MCGRAIN. I do so swear.

The VICE PRESIDENT. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made proclamation as follows:

George W. English! George W. English! George W. English, district judge of the United States for the eastern district of Illinois! Appear and answer to the articles of impeachment exhibited by the House of Representatives against you.

The VICE PRESIDENT. Counsel for the respondent are informed that the Senate is now sitting for the trial of George W. English, district judge of the United States for the eastern district of Illinois, upon the articles of impeachment exhibited by the House of Representatives, and will hear his answer thereto.

Mr. ACTON. Mr. President.

The VICE PRESIDENT. Mr. Counsel.

Mr. ACTON. The respondent is here in person and by counsel, and enters a formal appearance, which I will hand to the Secretary, and ask that it be read.

The VICE PRESIDENT. The Secretary will read the appearance.

The Chief Clerk read as follows:

*In the Senate of the United States sitting as a court of impeachment*  
United States v. George W. English

The respondent, George W. English, having been served with a summons requiring him to appear before the Senate of the United States at their Chamber in the city of Washington on Monday, May 3, at 12.30 o'clock in the afternoon, to answer certain articles of impeachment presented against him by the House of Representatives of the United States, now appears in his proper person, and also by his counsel, who are instructed by this respondent to inform the Senate that the respondent is ready to file his answer to said articles of impeachment at this time.

Dated May 3, 1926.

GEORGE W. ENGLISH.

WILLIAM M. ACTON,

EDWARD C. KRAMER,

W. F. ZUMBRUNN,

Counsel for Respondent.

Mr. ZUMBRUNN. Mr. President—

The VICE PRESIDENT. Mr. Counsel.

Mr. ZUMBRUNN. The respondent presents his answer, and, if agreeable to the Senate, would like to have it read from the Secretary's desk.

The VICE PRESIDENT. The Secretary will read the answer.

The Chief Clerk read as follows:

#### ANSWER OF JUDGE ENGLISH

*In the Senate of the United States sitting as a court of impeachment*  
United States v. George W. English

ANSWER OF THE SAID GEORGE W. ENGLISH TO THE ARTICLES OF IMPEACHMENT EXHIBITED AGAINST HIM BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

And now comes George W. English, and makes answer to the Articles of Impeachment exhibited against him by the House of Representatives of the United States, and says:

#### ANSWER TO ARTICLE I

For answer to the first article, the respondent says:

(1) That the first article does not set forth anything which, if true, constitutes an impeachable offense, or a high crime and misdemeanor as defined in the Constitution of the United States, and that therefore, the Senate, sitting as a court of im-



peachment, should not further entertain the charge contained in said first article.

(2) Not waiving, but insisting upon the foregoing objection to the first article, but being unwilling to appear to admit even by implication the truth of the charge attempted to be made in said article, the respondent denies that he has been guilty of the tyranny or oppression or misbehavior therein alleged, and denies that he has been guilty of a tyrannous or oppressive course of conduct and misbehavior, whereby he has brought the administration of justice in said district in the court of which he is judge into disrepute, which falls under the constitutional provisions as ground for impeachment and removal from office.

(3) The respondent avers in reference to the alleged disbarment of Thomas M. Webb, that prior to June 30, 1922, a man by the name of John Gardner, commonly known as "Dressed-up Johnny," was placed upon trial in the District Court over which respondent presided at East St. Louis, Illinois, charged with robbing a Post Office, and one of the witnesses by whom the Government expected to connect the said John Gardner with said robbery refused to testify as the District Attorney had expected, and for that reason there was no evidence against the defendant to submit to the jury, and it became the duty of the respondent, and he did, direct the jury to find the defendant not guilty. The respondent had, at that time, information that a criminal charge was pending against the said John Gardner in another part of the State of Illinois, and that the authorities there desired the said John Gardner held until they had an opportunity to come and arrest him. And the respondent being willing to give said authorities an opportunity so to do, under the rule of law that a prisoner may be held without a warrant for a reasonable time to permit him to be taken into custody for a crime charged as announced in *Re: Thaw*, 209 Fed. 56, *Day vs. Keim*, Sheriff, 2 Fed. (2nd Ser.) 966, and *Burton vs. N. Y. C. R. Co.* 245 U. S. 315, 62 L. Ed. 314, ordered said John Gardner held until the further order of the court. The state authorities failing to arrive within a reasonable length of time thereafter, the respondent ordered the bailiff of the court to bring said John Gardner into court, so that he might be discharged. And thereupon, the bailiff notified respondent that said John Gardner had been released on a writ of Habeas Corpus issued out of the City Court of East St. Louis, Illinois. Respondent then made an investigation and from such investigation believed that Thomas M. Webb, with knowledge that said John Gardner was held under the orders of the Federal Court, had filed a petition in the state court and procured his discharge and transportation across the Mississippi River into the State of Missouri, and in such action had concealed from the Judge of said City Court the fact that the said John Gardner was held under the orders of respondent's court.

The respondent learning these facts, directed the clerk of his court to notify the said Thomas M. Webb to appear in court for the purpose of having said Thomas M. Webb explain his action in said matter. When the said Thomas M. Webb complied with the notice of said Clerk and appeared in court, the following, in substance, occurred:

"Judge ENGLISH. Mr. T. M. Webb, I had notice sent to you which doubtless you received in an informal way for the purpose of not making it appear that there was in any wise an attempt made to humiliate you regardless of what might have been said of such notice to come here at 9.30 this morning.

"I wish to advise you the purpose of that notice was to advise you I require at your hands a full statement of facts of every act and every word that you performed and said in connection with the release of United States Prisoner John Gardner, alias 'Dressed-up Johnny,' on May 8, 1922, from the East St. Louis jail, and who was at that time a prisoner of the United States.

"I have no inclination at this time to listen to any statement you have to make, hence I require at your hands a full and detailed written statement of everything that transpired within your knowledge or by your advice or consent and what knowledge you may have had relative to each particular from the time of your connection until his final transportation across the river out of the jurisdiction of this court.

"In doing this I want to verify certain information that I have already received, which of itself is of a most reliable character and in doing this I would suggest that you, as I would do if I were in your place, in my mind I would go back in my past life, in my memory where my self-respect was at a great advantage over the present condition and from that time make a complete investigation of myself, of my conduct and of my thoughts and regard for the tribunal which has granted you the privilege of practicing your profession which you so ably have done and so enable you to tell the story as it is in

your mind. This may be of your own choice, however, as to time. Until you shall have filed that story with the clerk of this court, and the same has been by me verified you will be suspended from practicing your profession in this court. That is all I have to say to you, Mr. Webb.

"Mr. WEBB. That is perfectly all right. I will file a full and complete statement within a few days.

"Judge ENGLISH. Take all the time you desire."

The said Thomas M. Webb, within about ten days, filed a written statement of his actions in the matter, and denied that he had any knowledge that said Gardner was being held under the orders of the Federal Court when he procured his discharge, and at the next term of said Federal Court, held at East St. Louis, the respondent ordered that the said Thomas M. Webb be restored to practice in said court. That during said period the said Thomas M. Webb was not disbarred but only suspended from practice.

In these transactions, the respondent did not act with any personal hatred or ill will toward the said Thomas M. Webb, but did what was done by him only because he believed from the information he had that the said Thomas M. Webb was in contempt of court by securing the release of a prisoner that respondent had ordered held, by concealing the fact from the state court, which, if true, would have been a contempt under the law as announced by the Supreme Court of Illinois in the case of *People vs. Eugene McCaffrey*, 316 Ill. 166.

(4) The respondent avers, in reference to the disbarment of Charles A. Karch, that prior to the said disbarment the said Charles A. Karch, both in and out of court, conducted himself in a contemptuous, insolent and defiant manner toward the respondent, and was guilty of making scurrilous remarks about the respondent and using insulting language about the respondent to the officers of said court, and to other persons in attendance upon said court, and was guilty of offensive and unbecoming conduct toward the respondent as the presiding Judge of said court.

The respondent further avers that the conduct of the said Charles A. Karch toward the respondent was of such nature that it was injurious to said court and tended to lower its dignity and seriously interfere with the administration of justice in said court.

The respondent further avers that the conduct of the said Charles A. Karch, on the day that the disbarment in question took place, was of an offensive and threatening character, and was injurious to said court, and was of such character as to require and justify action by the respondent as the presiding Judge of said court; that the respondent entered the said order of disbarment on account of the offensive and threatening conduct of the said Charles A. Karch taking place in open court; that said order was entered while the said Charles A. Karch was present and after the respondent had explained to the said Charles A. Karch why said order was being entered; that said order was entered by the respondent for the sole purpose of preserving the dignity and decorum of said court, and that if any mistake was made in said matter, it was an error in procedure and was not done corruptly and does not constitute an impeachable offense.

The respondent further avers that the only reason he had for refusing to hear causes in which the said Charles A. Karch was an attorney or solicitor was because he had fears that he might unconsciously be prejudiced against the clients represented by the said Charles A. Karch.

The respondent further avers that the practice of the said Charles A. Karch in said court was confined almost wholly to the defense of persons charged with criminal offenses and that no injury would be done to the said Charles A. Karch, or his clients, by allowing those cases to be tried by Judge Walter C. Lindley, the other Judge of said District.

(5) With reference to the allegation concerning the sheriffs and states attorneys and Mayor of Wamac, wherein it is alleged that the respondent, on the first day of August, 1922, unlawfully and deceitfully issued a summons from the District Court of the United States and had the same served by the Marshal of said District, summoning the said Sheriffs and States Attorneys and Mayor of Wamac to appear before him in an imaginary case of United States against one Gourley and one Daggett, when in truth and in fact, no such case was then and there pending in said court, and in placing the said state officials and Mayor of Wamac in the jury box and then improperly conducting himself with reference to said officials, the respondent denies that on the first day of August, 1922, he unlawfully and deceitfully issued a summons from the said District Court of the United States and had the same served by the Marshal of said District, summoning the said Sheriffs and States Attorneys and Mayor of Wamac to appear before him in an imaginary case of United States v. one Gourley and



one Daggett, when no such case was pending in said court, and denies that he placed said officials in the jury box and then in a loud angry voice, used improper, profane and indecent language toward said officials, and denies that he denounced said officials as alleged, and denied that he did unlawfully, improperly, oppressively or tyrannically threaten to remove said officials from their said respective offices; and denies that he addressed them, using obscene and profane language, as alleged, but on the contrary avers the facts to be that there was on said day pending in the District Court of the United States for the Eastern District of Illinois, a certain criminal contempt proceedings filed by the United States Attorney for the Eastern District of Illinois, for and on behalf of the United States of America, against the said Gourley and the said Daggett, for the violation of a certain injunction theretofore issued by said court, and that said case was for hearing upon said day, and that the said States Attorneys and Sheriffs and the said Mayor of Wamac appeared in the District Court of the United States for the Eastern District of Illinois on said day, in response to subpoenas duly and regularly issued by the Clerk of said Court upon the præcipe of the United States Attorney for the Eastern District of Illinois, and served upon said Sheriffs, States Attorneys and the said Mayor of Wamac, commanding them to appear in said court on said day to testify in the said case then pending of United States v. said Gourley and said Daggett; that the said case of United States v. said Gourley and said Daggett was called for hearing upon said day in said court and was continued until the September term of said court, to be held in the City of Danville, Illinois, in said District, whereupon a recess of said court was had, and this respondent retired to his chambers adjoining the court room. While in his said chambers this respondent was advised that the said Sheriffs, States Attorneys and Mayor of Wamac were in the court room. This respondent had been advised by a Deputy United States Marshal and others that conditions in and around the Village of Wamac were such that there was danger of destruction of property and loss of life; that he had also been advised that one employe of the Illinois Central Railroad Company, while peacefully proceeding to his work for said company, had been shot and killed; that the killing of said employe was involved in the contempt proceeding against the said Gourley and the said Daggett, then pending in said court, and that the said Gourley and Daggett had been commissioned by certain officials as Deputy Sheriffs and policemen and claimed that they had shot at and killed the said employe in the discharge of their duties as such; that Wamac, Illinois, where is located large and extensive shops of the Illinois Central Railroad Company, is a small village located in the three counties of Clinton, Marion and Washington in the State of Illinois, and is only a few miles distant from the City of Herrin, Illinois, where prior to this time riots had existed, a number of people had been killed and almost a state of civil war had been prevalent; that this respondent was fearful that under the conditions then prevailing at Wamac, Illinois, unless prompt and vigorous measures were taken by officers charged with enforcing the law, a similar situation would and might exist in the Village of Wamac. This respondent, being aware that the States Attorneys, Sheriffs and the Mayor of Wamac were present in the court room (having requested them to remain therein), re-entered the court room, while the said court was yet in recess and was not in actual session, and asked the said States Attorneys, Sheriffs and Mayor of Wamac, for convenience, to take seats in the jury box, and then and there in substance made the following statement to them:

"You have out there a condition of civil war which seems apparently beyond the control of the present force as it is exercising its duty. You gentlemen may not realize the responsibility that is resting upon you and each of you, and I hope to be able to advise you to the extent that you wake up to the situation and assist in, if not take over wholly, the protection of life and property out there in that community. There was a man killed by one of the men who has been commissioned as a deputy sheriff by one of you gentlemen, and, also, by another man who was acting as marshal or chief of police, or as a member of the police force of the village of Wamac. You men are responsible to the people of the State of Illinois for the trust that is reposed in you. You have not, so far as I know, been guilty of any act of commission, but your guilt, if any at all, must be one of omission, but omission, if indulged in to a sufficient extent, becomes equal to an act of commission. The State's attorneys are the principal and chief law officers of the counties and upon them devolves the responsibility of issuing or having issued all writs of prohibition of violations of the law. The sheriffs are the ministerial officers, and it is their duty to serve such writs and to apprehend all alleged offenders.

"A failure to do any of those things amounts to an act of commission. You men seem to be asleep, but I hope to wake you up to a realization of what your duties and responsibilities are. Some men who are elected to office, for fear of offending their constituency, are oblivious to their duties and refuse, for fear of offending, to do their duty. If any of you men come within that class, your constituents did a damned poor job when they elected you."

And to the Mayor of Wamac he made the following statement:

"The blood of this man who was killed in your city is upon your hands, because you had deputized men whom you knew were not attempting to enforce the law, but were seeking to foil those who would perform their daily labor and earn their bread in the sweat of their faces. I have been in responsible positions more or less during my entire active life, and I know what it means to enforce the law. I have been invested by the Government of the United States with the responsibility of administering the law as I see best, and, as it is required at my hands, I shall perform that full measure of duty if it costs me my life. God Almighty gave me a strong physical body, a fair mind, and a good intent to perform, and I will do this to the full limit of my power. If you men refuse, that is your responsibility. If you get in the way and obstruct, I will see that the orders of this court are obeyed and fulfilled if it takes 1,000 men as special officers of this court.

"I will send them out there and see that life and property are protected, and if you gentlemen get in the way you will be treated exactly as any other offenders might be. You have, as I have said to you gentlemen, a state of civil war out there; you are to-day threatened with a mob of 1,000 or more men from Herrin, only 50 or 60 miles away, where they have only in the past three months demonstrated what a mob will do in the massacre of twenty-odd people. If that comes about, gentlemen, no one knows what will be the result. You men and many others may leave your wives widows and your children orphans. That has been the experience of the past few months in this adjoining community. I am going to prevent that if God gives me power to enforce the law. It is up to you, gentlemen. If you have got the nerve, the willingness, the guts, or whatever you are a mind to call it, get on the side lines and assist, if you will not take the lead."

This respondent further avers that afterwards the said case of the United States v. said Gourley and said Daggett was tried in the United States District Court for the Eastern District of Illinois, at a session thereof held in the City of Cairo, Illinois, during the following October, before the Honorable Walter C. Lindley, Associate Judge of said District, and a jury, and the said Gourley and the said Daggett were convicted on account of the matters and things with which they were charged, and were, by the said Walter C. Lindley, Judge of said court, sentenced to imprisonment in jail on account thereof.

This respondent says that he did talk vigorously and earnestly to said States Attorneys, said Sheriffs and the said Mayor of Wamac; that he did believe at the time that they were not fully discharging their duties as officials of the State of Illinois; that his only purpose in talking to the said States Attorneys, Sheriffs and the Mayor of Wamac was to impress upon them the responsibilities resting upon them as such officials, and to prevent destruction of property, to prevent further loss of life, and to prevent a repetition of the Herrin massacre in Wamac and vicinity.

(6) This respondent avers in reference to the allegation that on the 8th day of May, 1922, in the trial of the case of United States v. Hall, wherein it is alleged he stated that if he told the jurors that a man was guilty and they did not find him guilty, he would send them to jail, that he did not at any time or place make such a statement, and avers the facts to be that in the trial of criminal cases he always refrained from expressing his opinion as to the guilt or innocence of a defendant on trial, but left that question to be determined by the jury, unless the question was submitted to him on motion as a matter of law, and in the trial of other cases he absolutely refrained from making any comment as to the weight of the evidence, but always left that question to be determined by the jury from the evidence in the case.

(7) The respondent avers, in reference to the allegation as to Michael L. Munie and Samuel A. O'Neal, that he did not, on the 15th day of August, 1922, nor at any other time, wilfully, unlawfully, tyrannically or oppressively summon the said Michael L. Munie and the said Samuel A. O'Neal, or either of them, to appear before him at his office, court or any other place. And the respondent denies that he did, at any time, when the said Munie and the said O'Neal were before him, wilfully, unlawfully, tyrannically or oppressively, with anger and abusive



language, attempt to coerce and threaten them as members of the press from truthfully publishing the facts in relation to the disbarment of Charles A. Karch.

The respondent further denies that he ever, at any time or place, used the power of his office tyrannically or in violation of the freedom of the press guaranteed by the Constitution.

The respondent further denies that he did, at any time or place, forbid, under threats of imprisonment, the said Munie and the said O'Neal, or either of them, to publish the facts in relation to the disbarment of the said Charles A. Karch.

(8) The respondent avers, in reference to the allegation as to Joseph Maguire, that he did not, on the 15th day of August, 1922, or at any other time, summon the said Joseph Maguire to appear before him, and did not threaten the said Joseph Maguire with imprisonment for having printed in his paper an editorial from the columns of the Post-Dispatch, and did not threaten the said Joseph Maguire with imprisonment for having printed certain hand bills as in said Article alleged, but with reference to said matter avers the facts to be that a complaint was filed against Chas. McMillan, J. C. Bell, H. Pabst, W. E. Kelley, J. M. Anderson and O. L. Etherton, charging them with having violated the said injunction issued by the respondent by distributing and circulating certain hand bills among the striking employees of the Illinois Central Railroad Company and other people, located at Carbondale, Illinois; that the said hand bill that the said parties were charged with distributing and circulating was in words and figures as follows, to-wit:

"NOTICE TO THE PUBLIC

NAMES OF MEN ASSISTING THE ILLINOIS CENTRAL, AT CARBONDALE, ILLINOIS, AND BY THEIR ACTIONS INJURING THE CITIZENS AND TAXPAYERS OF THIS COMMUNITY

Names

H. E. Exby, 334 Walnut St., Traveling Engineer.  
Paul M. Sorgen, 309 W. Oak St., Boiler Foreman.  
Lloyd Walker, 201 N. Springer St.  
Orin Graff, 201 N. Normal Ave., Mach. Gang Forem.  
J. A. Golliber, 417 W. Jackson St., Car Foreman.  
J. G. Jenkins, 401 N. Normal Ave., Pick Foreman.

A recent opinion of the U. S. Labor Board that Supervising Forces on the railroads should not be compelled to do the work of the striking employees leads us to believe their action in assisting the Company is voluntarily.

PUBLICITY COMMITTEE APPROVED BY  
FEDERATED SHOP CRAFTS."

That the said Joseph Maguire was subpoenaed as a witness in said cause; that the said cause came up for hearing before the respondent at Danville, Illinois; that upon said hearing, the respondent heard the statement of the said Joseph Maguire with reference to the printing of said hand bills; that during the hearing upon said charge the respondent did make some inquiries of the said Joseph Maguire with reference to the printing of the said editorial and made some statement to the said Joseph Maguire with reference to the truthfulness of said editorial, and warned the said Joseph Maguire that the publication of such matter might do great harm, but at no time during said hearing did this respondent threaten the said Joseph Maguire with punishment of any kind or character whatsoever.

Wherefore, the respondent denies that he was or is guilty of a course of conduct tryannous or oppressive, and denies that he was or is guilty of misbehavior in his said office as Judge, and denies that he was or is guilty of a misdemeanor in his said office as Judge, as charged in said Article I, and further denies that he is guilty of or has done the acts and things charged against him in said Article, and therefore, asks that he be discharged of all matters and things alleged against him in said Article I.

ANSWER TO ARTICLE II

For answer to the second article, the respondent says:

(1) That the second article does not set forth anything which, if true, constitutes an impeachable offense, or a high crime and misdemeanor as defined in the Constitution of the United States, and that therefore, the Senate, sitting as a court of impeachment, should not further entertain the charge contained in the second article.

(2) Not waiving, but insisting upon the foregoing objection to Article II, but being unwilling to appear to admit even by implication the truth of the charge attempted to be made in said Article, the respondent denies that he has been guilty of a course of improper and unlawful conduct as said Judge, and denies that his course of conduct as such Judge has been filled with partiality and favoritism, resulting in the creation of a combination to control and manage, in collusion with Charles B. Thomas, Referee in Bankruptcy in and for the Eastern District of Illinois for their own interests and profits and that of the

relatives and friends of the respondent and of said Referee in Bankruptcy, as alleged in said Article.

(3) With reference to the appointment of Charles B. Thomas as sole Referee in Bankruptcy in said District, the respondent avers that from the organization of the Eastern District of Illinois up to the time of the appointment of respondent as Judge of said court, there never has been but one Referee in Bankruptcy in said District, notwithstanding that said District, from its organization, has comprised 45 counties and has a large volume of business in bankruptcy, and the respondent avers that shortly after he was appointed Judge of said District that he did appoint Charles B. Thomas, Referee in Bankruptcy of said District, and avers that the said Charles B. Thomas had formerly been a County Judge of one of the counties in said District, and had held said office by vote of the people in said county for two successive terms of four years each, and that the respondent had full confidence in the legal ability and industry of the said Charles B. Thomas and appointed him as such Referee in Bankruptcy because he was of the opinion that the said Charles B. Thomas would make an efficient, competent and faithful Referee in Bankruptcy; that it is true that the respondent as Judge as aforesaid did create a rule of said court in reference to the powers and duties of the Referee in Bankruptcy of said court, as alleged in said Article, but the respondent avers that said rule was not made with any intention to favor and prefer the said Charles B. Thomas as in said Article alleged, but on the contrary said rule was lawfully made under authority of the General Bankruptcy Act of the United States for the proper and prompt administration of estates in bankruptcy, and that said rule is not an unusual one, but is substantially the same as the rules of other courts with reference to Referees in Bankruptcy.

Further answering said Article, the respondent denies that said amendments of the rules of said court were then and there made with the intent to favor and prefer said Thomas, and the respondent denies that said amendments were made for the improper personal and financial benefit of this respondent, or his friends and family, and that if the said amendments to said rules were improperly used by the said Charles B. Thomas for his benefit, or the benefit of his friends or family, it was done without the knowledge or consent or acquiescence of this respondent.

Further answering said article, the respondent denies that the said Charles B. Thomas built up and had a large lucrative practice in said court on account of any favoritism shown said Charles B. Thomas by this respondent.

Further answering said Article, the respondent admits that the said Charles B. Thomas did rent and furnish a suite of rooms and offices in East St. Louis, but avers that the same were necessary for the proper administration of the office of said Referee in Bankruptcy, and avers that so far as the respondent is advised the said rooms were rented at a reasonable price, and the action of said Referee in Bankruptcy in that regard was not unusual or extraordinary but is the same that is found in most districts of the United States for the proper administration of estates in bankruptcy, and denies that said rooms were rented in pursuance of any unlawful combination between said Referee in Bankruptcy and the respondent as in said Article alleged; that it is true the Referee in Bankruptcy employed a large number of clerks and stenographers, but the respondent avers that such clerks and stenographers were reasonably necessary for the proper administration of the bankruptcy estates in the hands of said Referee in Bankruptcy.

Further answering said Article, the respondent denies that the said Referee in Bankruptcy employed the said George W. English, Jr., son of the respondent, at a large compensation and salary, but avers the facts to be with reference to the employment of the said George W. English, Jr., that the said George W. English, Jr. was not employed by said Referee in Bankruptcy at the expense of any of the bankruptcy estates in charge of said Referee in Bankruptcy, but avers that at the time the said George W. English, Jr. was in the office of said Referee in Bankruptcy, he was a student in a law school and was only in the office of said Referee during his vacation periods. This respondent avers that he is informed that while the said George W. English, Jr. was in said Referee in Bankruptcy's office, during said vacation periods, he did some work for said Referee in Bankruptcy in the administration of bankruptcy estates, and was paid some compensation for said work, but that said compensation was paid by said Referee in Bankruptcy personally.

Further answering said Article, the respondent avers that it is true that said Referee in Bankruptcy did appoint the said M. H. Thomas, a son of the Referee in Bankruptcy, and D. S. Ledbetter and C. P. Wiedeman, sons-in-law of said



Referee in Bankruptcy, as Trustees and Receivers in some of the estates in bankruptcy, but the respondent avers that such appointments were made only in small bankruptcy estates where the creditors did not exercise their right to appoint a trustee.

The respondent further avers that it is usual and ordinary, in all districts, for the Referee in Bankruptcy to have a comparatively small number of persons who are willing to act as receiver or trustee in small bankruptcy estates where the creditors do not appoint.

Further answering said Article, the respondent denies that the said Charles B. Thomas, Referee in Bankruptcy, did confer upon said persons appointments as trustees, receivers and masters in estates in bankruptcy with the knowledge, consent or approval of this respondent, and denies that the said Referee in Bankruptcy paid to said persons large salaries, fees and commissions with the consent of the respondent.

Further answering said Article, the respondent denies that in order to carry out and make effective an improper and unlawful organization, as alleged in said Article, that this respondent appointed Herman P. Frizzell, United States Commissioner in and for said Eastern District of Illinois, and denies that the said Herman P. Frizzell did receive from the said Charles B. Thomas, Referee in Bankruptcy, large and valuable fees, commissions, salaries, appointments as trustee, receiver and master of estates in bankruptcy with the knowledge and consent of the respondent, as in said Article alleged, but on the contrary avers that he appointed the said Herman P. Frizzell United States Commissioner, because he believed the said Herman P. Frizzell to be fully qualified to fill the said office of United States Commissioner, and avers that so far as he knows the said Herman P. Frizzell did discharge his duties as such Commissioner in an efficient manner.

Further answering said Article, the respondent denies that he, at any time, permitted the said Charles B. Thomas, Referee in Bankruptcy, to appear as attorney and counsel before said Commissioner Frizzell in divers and sundry criminal cases, as in said Article alleged.

Further answering said Article, the respondent denies that for the purpose of carrying out the unlawful and improper combination mentioned in said Article, the respondent did improperly and unlawfully consent and approve of the appointment by said Referee in Bankruptcy, said Charles B. Thomas, of one Oscar Hooker as Chief Clerk in said office of said Referee in Bankruptcy, as in said Article alleged, and denies that the said Oscar Hooker did receive from the said Charles B. Thomas, Referee in Bankruptcy, large and valuable fees, salaries, appointments as trustee, receiver and master, and as attorney for trustees and receivers in bankruptcy estates with the consent or knowledge of the respondent.

Further answering said Article, the respondent denies that he did improperly allow and permit the said Oscar Hooker, as the agent of a Bonding Company, to furnish surety bonds for the persons mentioned in said Article.

Further answering said Article, the respondent denies that he did improperly and unlawfully allow the said Charles B. Thomas, Referee in Bankruptcy, to organize and incorporate from his said office force and employees, a corporation known as the Government Sales Corporation, for the purpose mentioned in said Article, and denies that said corporation was formed or managed with the knowledge or consent of the respondent.

Further answering said Article, the respondent denies that he did wilfully, improperly or unlawfully take advantage of his official position as Judge, and did aid the said Charles B. Thomas, Referee in Bankruptcy, in the establishment, maintenance and operation of an unlawful and improper organization for the purpose of obtaining improper and unlawful personal gain and profits for the respondent and his family and friends, as mentioned in said Article.

Further answering said Article, the respondent avers that the said matters and things charged in said Article, as done by said Charles B. Thomas, as Referee in Bankruptcy, and to which it is charged the respondent gave his consent and approval, did not, in any wise or for any purpose, come before the respondent as Judge of said court for judicial action or otherwise, and that the respondent did not take any jurisdiction of said matters as Judge of said court.

Further answering said Article, the respondent avers that he did not combine or conspire with the said Charles B. Thomas, Referee in Bankruptcy, in any way as to any of the matters and things alleged in said Article, but on the contrary the respondent avers that he appointed the said Charles B. Thomas, Referee in Bankruptcy, because of his confidence in his ability to properly discharge the duties of his office, and therefore, in the usual course of things the attention of the respondent was

not directed to the details of the office of said Referee in Bankruptcy, and the respondent did not, in fact, have any knowledge of any irregularity therein, if such existed, and there was, at no time, no petition for revision or review filed in the office of respondent as such Judge that brought to his attention any improper act or conduct or ruling of the Referee in Bankruptcy in the administration of the office of said Referee in Bankruptcy in regard to the matters and things alleged in said Article.

Wherefore, respondent denies that he was or is guilty of a course of conduct constituting misbehavior as said Judge, and denies that he was or is guilty of a misdemeanor in said office of Judge, as alleged in said Article, and further denies that he is guilty of or has done the acts and things charged against him in said Article, and therefore, asks that he be discharged of all matters and things alleged against him in said Article II.

#### ANSWER TO ARTICLE III

For answer to the third article, the respondent says:

(1) That the third article does not set forth anything which, if true, constitutes an impeachable offense, or a high crime and misdemeanor as defined in the Constitution of the United States, and that therefore, the Senate, sitting as a court of impeachment, should not further entertain the charge contained in the third article.

(2) Not waiving, but insisting upon the foregoing objection to Article III, but being unwilling to appear to admit even by implication the truth of the charge attempted to be made in said Article, the respondent denies that he corruptly extended partiality and favoritism in the matters in said Article set forth, to Charles B. Thomas, and denies that the conduct of the respondent brought the administration of justice into discredit and disrepute and degraded the dignity of the court and destroyed the confidence of the public in its integrity, as in said Article alleged.

(3) The respondent avers in reference to the case of East St. Louis & Suburban Company et al. v. Alton, Granite & St. Louis Traction Company, that the allegations in said Article do not fully state the facts with reference to said suit; that the facts connected with said suit, so far as they relate to the actions of the respondent are substantially as follows:

That a bill was filed for the appointment of Receivers for said company in the District Court of the United States for the Eastern District of Illinois; that the parties filing said bill requested the respondent to appoint F. E. Allen, a resident of the City of St. Louis and State of Missouri, and W. H. Sawyer, a resident of the City of Columbus in the State of Ohio, as Receivers for said defendant company; that on account of the said Allen and Sawyer being non-residents of said district, the respondent did not deem it wise to appoint persons who resided outside the jurisdiction of the court as receivers in said cause, and the respondent suggested that if both of the persons who were to be appointed receivers resided outside the jurisdiction of the court, that they should have someone in whom the court had confidence, and who resided within the jurisdiction of the court, as an assistant to, or an attorney for the receivers; that with the understanding that the said persons proposed for receivers would secure such an assistant or attorney, the court appointed the said Allen and Sawyer temporary receivers, and said temporary receivers appointed the said Charles B. Thomas as attorney for them under the order of the court permitting them to employ an attorney or attorneys, and that the salary of said Thomas was fixed at \$200.00 per month. That afterwards, on an application to make the appointment of said receivers permanent, that the salary of said Thomas was fixed at \$300.00 per month as attorney and \$500.00 per month for his services in assisting said receivers, said salaries to be retroactive from the first day of October, 1920.

Further answering said Article, the respondent avers that the said parties had agreed upon said compensation, and in the petition filed in said court asking that the said Allen and Sawyer be made permanent receivers in said cause, set forth the salaries to be paid to the said Charles B. Thomas as said attorney for and assistant to said receivers, and said petition asked that said allowance be so made, and upon a showing made by said parties that said allowances would be reasonable compensation to be paid to the said Charles B. Thomas, said order was entered by the respondent.

Further answering said Article, the respondent denies that there was anything illegal or improper in making said appointments and fixing said compensation, and denies that the appointment of the said Charles B. Thomas in said matter was improperly, corruptly or unlawfully made by the respondent, and denies that the fixing of the compensation of the said Charles B. Thomas in said matter was improperly, corruptly or unlawfully done by the respondent.



Further answering said Article, the respondent denies that the appointment of the said Charles B. Thomas in said matter was made by this respondent with the intent to wrongfully and unlawfully prefer and show partiality and favoritism to the said Charles B. Thomas, and denies that at the time said appointments were made that the respondent was under obligations, either financial or otherwise, to the said Charles B. Thomas.

(4) The respondent avers in reference to the case of *Handelsman v. Chicago Fuel Company*, that the allegations as contained in said Article, with reference to said suit, do not fully state the facts with reference to said suit; that the facts connected with said suit, so far as they relate to the actions of the respondent, are substantially as follows:

That the appointment of the said Charles B. Thomas as one of the receivers in said suit was made by Judge Walter C. Lindley, one of the Judges of the Eastern District of Illinois, and not by the respondent, as alleged in said Article; that after the appointment of the said Charles B. Thomas as one of the receivers in said suit was made by Judge Lindley, that the respondent did enter an order fixing the salary of the said Charles B. Thomas and his co-receiver, William E. Weber, of Chicago, Illinois, at \$1,000.00 each per month; that the said fees for said receivers were fixed upon motion duly made in court by the parties interested in the proceedings, and that the order fixing said compensation, presented to the respondent for approval, showed that said parties had agreed upon said compensation.

Further answering said Article, the respondent avers that he did enter an order in said cause appointing Herman P. Frizzell, attorney for said receivers in said cause, and fixed his compensation at \$200.00 per month, and avers that he made said appointment and fixed said compensation at the request of the parties connected with said suit, and avers that all of the matters connected with the appointment of the said Herman P. Frizzell and the fixing of the compensation of said receivers and said Herman P. Frizzell as attorney, were presented to the respondent in the usual course of the administration of said estate, and considering the magnitude of the estate and the work to be done that said orders were usual and proper.

Further answering said article, the respondent denies that he did improperly and unlawfully make said appointment of said attorney and fix the compensation of said receivers and said attorney as alleged in said Article, and denies that the compensation of said receivers and said attorney and the appointment of said attorney were improperly and unlawfully done, and denies that said action was taken by the respondent for the purpose of preferring the said Charles B. Thomas as alleged in said Article.

(5) The respondent avers in reference to the suit of *Heuffman et al v. Hawkins Mortgage Company* that he was duly assigned by the Senior Judge of the Circuit Court of Appeals of the Seventh Circuit, to hold the Federal Court at Indianapolis, Indiana, on account of the absence of the regular Judge of that court; that the respondent was called from his vacation at a summer resort in the State of Michigan to Indianapolis to act upon a petition for an injunctive order to prevent the waste and disposition of assets of said alleged bankrupt before there had been an adjudication of bankruptcy against it on an involuntary petition that was then pending in said court; that when he reached Indianapolis he found Charles B. Thomas there as one of the attorneys appearing with several other attorneys, representing the petitioner for said injunctive order; that there was no objection made to the said Charles B. Thomas appearing as an attorney in said matter, and the existence of the Federal statute that prohibits Referees in Bankruptcy from appearing as attorney did not occur to the respondent, and no question was raised by anyone connected with said matter then being heard by the respondent as to the right of the said Charles B. Thomas to appear as an attorney in said case; that the respondent did not know that the said Charles B. Thomas had been employed in said matter until he appeared in court that day before him, neither did the respondent know anything about the fee that was to be paid the said Charles B. Thomas in said matter.

Further answering said Article, the respondent avers that he discharged his duties on that occasion in absolute good faith and according to the law as he then and now understands it, without any favoritism or partiality toward the said Charles B. Thomas.

(6) The respondent avers, in reference to the suspension of the jail sentence of F. J. Skye, that an application was presented to him by the said Charles B. Thomas as attorney for said Skye, to set aside and vacate the jail sentence imposed by him against the said F. J. Skye in said cause on account of the

physical condition and health of the said Skye; that said application was supported by affidavits from two practicing physicians residing in the City of East St. Louis, who stated in their affidavits that the condition of the health of the said Skye was such that imprisonment would probably prove fatal to his life; that upon said application being so made and supported by said affidavits, the respondent entered an order staying the jail sentence imposed upon the said Skye; that afterwards, the Assistant United States District Attorney, who appeared for the Government in said matter, called up said matter in open court and stated to the court that the Government was anxious to dispose of said application, and called the court's attention to two additional affidavits that had been filed in said cause supporting the application of said Skye to have said prison sentence vacated and set aside; that it was stated in said additional affidavits that the condition of the health of said Skye was such that imprisonment might prove fatal to him. That upon said statement being made by said Assistant United States District Attorney, the respondent asked the said Assistant United States District Attorney what he knew about the said affidavits, and he stated to the respondent that the affidavits were made by reputable physicians, and said Assistant United States District Attorney stated to the respondent that he had nothing to refute or contradict the statements contained in said affidavits; that upon said statement being so made by said Assistant United States District Attorney, the respondent entered an order vacating such jail sentence imposed against said Skye. The respondent avers that in entering said order vacating said jail sentence he acted in good faith upon the facts stated in said affidavits and upon the statements made by said Assistant United States District Attorney and upon the law as he understood it to exist in such cases.

The respondent avers that he entered said order after the said Skye had paid the fine of \$500.00 imposed against him in said cause.

The respondent avers that he never, at any time before said order was entered vacating said jail sentence, knew anything about the fee that was to be paid by the said Skye to the said Charles B. Thomas.

Respondent further avers that he acted in said cause as he felt it was his duty to do as a matter of humanity and without any intent upon his part to favor the said Charles B. Thomas.

(7) The respondent avers in reference to the case of *Hamilton v. Egyptian Coal & Mining Company*, that he did not arbitrarily and unlawfully and without notice remove from office the duly appointed receiver in said cause, with the intent to favor the said C. B. Thomas as alleged in said Article, but avers that he appointed the said Charles B. Thomas receiver at the request of the parties in interest in said cause.

Further answering said Article, the respondent denies that said appointment was made with intent to favor the said Charles B. Thomas, and denies that the said appointment was made because he was under great obligations, financial and otherwise, to the said Charles B. Thomas as alleged in said Article, but avers that the appointment of the said Charles B. Thomas as receiver in said cause was made in absolute good faith.

(8) The respondent avers, in reference to the case of *Wallace v. Shedd Coal & Mining Company*, that he did not arbitrarily remove F. D. Borah (mentioned in said Article as F. D. Bernard) as receiver, but avers the fact to be that the said F. D. Borah resigned as receiver in said cause in open court, and that at the request of the parties in interest the respondent appointed the said Charles B. Thomas successor receiver in said cause.

Further answering said Article, the respondent denies that he improperly appointed the said Charles B. Thomas receiver in said cause in place of the said F. D. Borah, as alleged in said Article, and denies that the appointment of the said Charles B. Thomas was made with intent to corruptly prefer the said Charles B. Thomas, as alleged in said Article, and denies that the appointment of the said Charles B. Thomas as receiver in said cause was made on account of any obligations of the respondent to the said Charles B. Thomas, as alleged in said Article, but avers that the appointment of the said Charles B. Thomas was made in absolute good faith.

(9) The respondent avers, in reference to the case of *Ritchie v. Southern Gem Coal Corporation*, that he appointed the said Charles B. Thomas receiver in said cause only upon the request of the parties in interest in said cause.

Further answering said Article, the respondent admits that he fixed the salary of the said Charles B. Thomas and his co-receiver at \$1,000.00 each per month, but avers that the



property involved was great and the fees fixed were the usual and customary fees in such cases.

Further answering said Article, the respondent denies that he had knowledge that the said Charles B. Thomas, in the discharge of his duties as receiver in said cause, was neglecting his duties as Referee in Bankruptcy, as alleged in said Article.

(10) Respondent denies that he did wrongfully, improperly and unlawfully receive \$1435.00 from Charles B. Thomas as alleged in said Article, but avers the fact to be that the son of the respondent exchanged an old automobile of the respondent for a new one without any knowledge of the respondent and at a time when the respondent was sick, and that the said Charles B. Thomas advanced the difference on the purchase price of the new car in the sum of \$1435.00, and that afterwards, when the respondent learned the amount advanced by the said Thomas in the exchange of said cars, the respondent repaid said Thomas said amount.

Further answering said Article, the respondent denies that he received and accepted from the said Charles B. Thomas the said sum of \$1435.00, or any other sum of money as a return, or in recognition of favoritism or partiality extended to the said Charles B. Thomas, and denies that in the discharge of his duties as Judge, he did ever, at any time, for consideration or otherwise, ever extend any favoritism or partiality to the said Charles B. Thomas.

(11) The respondent denies that he, as Judge of said court, approved a report of the Receivers in the Southern Gem Coal Corporation matter, with knowledge that the said Charles B. Thomas was neglecting his duties as Referee in Bankruptcy, as in said Article alleged.

Further answering said Article, the respondent denies that he re-appointed the said Charles B. Thomas Referee in Bankruptcy, knowing at the time that the said Charles B. Thomas had neglected his duties as Referee in Bankruptcy.

Further answering said Article, the respondent avers that at the time he approved the report of the receivers in the Southern Gem Coal Corporation matter, referred to in said Article, no question arose as to whether or not the said Charles B. Thomas, one of the said receivers, was neglecting his duties as referee in Bankruptcy, and avers that such question could not have properly come up in said matter for consideration.

Further answering said Article, the respondent avers that he never, at any time, had any knowledge that the said Charles B. Thomas neglected his duties as Referee in Bankruptcy, and further avers that the question of whether or not the said Charles B. Thomas was discharging his duties as Referee in Bankruptcy was never presented to the respondent, as Judge of said court, either formally or otherwise.

(12) The respondent further avers in reference to all the matters and things alleged in said Article III, that he did not as to any of said matters act dishonestly or corruptly, or with any intent to prefer or favor the said Charles B. Thomas, but that in all matters wherein said Thomas was appointed as attorney for receivers, or as receiver, the appointment was made at the request of the parties in interest, and in the usual and ordinary administration of said matters in the court over which respondent was presiding, and without any improper or wrongful intent on the part of the respondent.

Wherefore, the respondent denies that he was or is guilty of misbehavior as Judge as charged in said Article III, and denies that he was or is guilty of misdemeanor in said office of Judge as alleged in said Article III, and further denies that he is guilty of or has done the acts and things charged against him in said Article, and therefore, asks that he be discharged of all matters and things alleged against him in said Article III.

#### ANSWER TO ARTICLE IV

For answer to the fourth article, the respondent says:

(1) That the fourth article does not set forth anything which, if true, constitutes an impeachable offense, or a high crime and misdemeanor as defined in the Constitution of the United States, and that therefore, the Senate, sitting as a court of impeachment, should not further entertain the charge contained in the fourth article.

(2) Not waiving, but insisting upon the foregoing objection to Article IV, but being unwilling to appear to admit even by implication the truth of the charge attempted to be made in said Article, the respondent denies that he did, in conjunction with Charles B. Thomas, Referee in Bankruptcy, corruptly and improperly handle and control the deposits in bankruptcy estates or other funds under his control in said court, by depositing, transferring and using said funds for pecuniary benefit of himself and said Thomas and thus prostitute his official power and influence for the purpose of securing benefits for himself and family and said Thomas and his family, as in said Article alleged.

Further answering said Article, the respondent denies that he ever, at any time, received any profit or benefit through the deposits of bankruptcy funds, or other funds under his control as Judge of said court.

(3) The respondent admits that he did, on or about December 1918, designate the First State Bank of Coulterville, Illinois, to be a United States depository of bankruptcy funds within said District, and he admits that J. E. Carlton, one of the stockholders and directors of said bank, was a brother-in-law of the respondent, and that afterwards, the respondent purchased and owned 21 out of 250 shares of the capital stock of said bank, but the respondent denies that the said appointment was made improperly or unlawfully, and denies that it was corruptly made, and denies that said bank was to be the sole United States depository of bankruptcy funds within said District, as alleged in said Article, but on the contrary states that said bank was a safe and sound banking institution, absolutely solvent, and that a proper and sufficient bond was taken to secure the safety of all bankruptcy funds placed therein, and that in fact, all of the bankruptcy funds placed in said depository were safely protected and accounted for by said depository.

Further answering said complaint, the respondent denies that any one transacting business with the Referee in Bankruptcy was ever inconvenienced in any wise on account of the location of said bank.

(4) The respondent, in reference to the case of Sanders v. Southern Traction Company, denies that he did willfully and unlawfully order and decree that the sum of \$100,000.00 derived from the sale of property of said Southern Traction Company should be deposited in the Merchants State Bank of Centralia, Illinois, a United States depository of bankruptcy funds, said deposit to draw no interest, and denies that said deposit was made in said bank for the benefit of himself or for his personal gain and profit, and denies that said deposit was made for the personal gain and profit, or for the benefit of his family and friends, as in said Article alleged; and denies that the said deposit made in said bank was to the great scandal of his said office as Judge, as alleged in said Article; and denies that said deposit made in said bank tended to bring the administration of justice in said court in distrust and contempt as in said Article alleged.

Further answering said Article, the respondent admits that at the time said order for said deposit was made, he did own a small amount of the capital stock of said bank, but avers that the said ownership of said capital stock was so small that his part of the possible earnings of said bank by reason of said deposit being made in it was of practically no consequence, and that his small ownership in the capital stock of said bank did not influence him one way or another in making the order for said deposit, but said order was made for other reasons altogether.

Further answering said Article, the respondent avers that there was nothing improper, irregular or unlawful in ordering said deposit to be made in said bank.

(5) The respondent avers, in reference to the transactions with the Drovers National Bank in East St. Louis, that it is not true that he made any agreement whatsoever with the officers of said bank for the employment of his son, Farris English, in said bank, and neither did he subscribe for ten shares of capital stock in said bank, but that on the contrary the said Charles B. Thomas personally made whatever arrangements were made with said bank and did so without the knowledge or consent of the respondent.

Further answering said Article, the respondent avers that the said Charles B. Thomas did procure ten shares of stock to be issued by said bank in the name of the respondent, but that the same was done without the knowledge or consent of the respondent, and when the respondent learned that said ten shares of capital stock had been issued in his name, he refused to accept said stock, and at the request of the said Charles B. Thomas, he endorsed the certificate for said stock, so that the same could be transferred to the said Charles B. Thomas, or to some other person.

Further answering said Article, the respondent admits that he entered an order designating said Bank to be a Government depository of bankruptcy funds, but denies that he entered said order in pursuance of any agreement that his son, Farris English, was to be employed as Cashier at said bank, as in said Article alleged, and denies that he became a depositor in said bank in pursuance of the agreement alleged, and stated in said Article, and denies that he caused 17 transfers of bankruptcy funds to be made from the Union Trust Company to said Drovers National Bank, as alleged in said Article.

Further answering said Article, the respondent denies that he received pay for the said ten shares of stock, and also for



the stock of his son, Farris English, as in said Article alleged, and denies that he did any act or thing as Judge of said court, with reference to the said Drovers National Bank, with a wrongful and unlawful intent to use the influence of his said office as Judge for his personal gain and profit, as in said Article alleged, and denies that he did anything as Judge of said court in connection with said bank for an unlawful or improper and personal gain of his family and friends as in said Article alleged.

(6) The respondent avers, in reference to the employment of his son, Farris English, by the Union Trust Company, that he did not make any agreement with said Trust Company that if it would employ his said son at a salary in the sum of \$200.00 per month, or at any other salary, that he would cause to be removed from the Drovers National Bank bankruptcy funds deposited there, and have the same deposited with the said Union Trust Company, and neither did the respondent make any agreement with said Trust Company that it should pay interest on said bankruptcy funds at the rate of 3% on the month balance to his said son.

Further answering said Article, the respondent admits that his said son was employed by said bank, and that after his said son had been employed in said bank for several months, that the said bank did pay to his said son 3% on said bankruptcy deposits, but the respondent avers that he had no knowledge of the payment of said interest until sometime after his son had left the employment of said bank, and that the payment of said interest to his said son was without the knowledge or consent of the respondent.

Further answering said Article, the respondent denies that any bankruptcy funds were withdrawn from the Drovers National Bank and deposited with the said Union Trust Company, under an agreement in which the respondent took part, as in said Article alleged.

Further answering said Article, the respondent denies that he used his influence in said matter as Judge for his unlawful or improper personal gain, and denies that he used his influence in said matter as Judge for the unlawful and improper profit and gain of himself, his family and friends, as in said Article alleged.

(7) The respondent, in reference to the said Merchants State Bank of Centralia becoming a Government depository of bankruptcy funds, admits that he did enter an order designating the said Merchants State Bank of Centralia, Illinois, as a depository of bankruptcy funds, but denies that said order was improperly made, and denies that said order was made because he was a stockholder in said bank, but avers that the same was made because said bank was a safe institution and gave a good and sufficient bond for the protection of the bankruptcy funds, as required by law, and for other good and sufficient reasons.

(8) The respondent admits that he and the said Charles B. Thomas did borrow money from the said Merchants State Bank of Centralia, and admits that said loans were renewed from time to time by them.

Further answering said Article, the respondent avers that said loans were made to him and the said Charles B. Thomas separately; that they had no joint loans at said bank.

Further answering said Article, the respondent denies that there was any improper or unlawful action in the procurement of said loans, and avers that interest at the lawful statutory rate in Illinois was paid to said bank for all money borrowed from said bank by the respondent.

Further answering said Article, the respondent admits that he did borrow a sum of money from said bank aggregating about the amount mentioned in said Article, but avers that the greater portion of said money was borrowed from said bank for the purchase of a home for respondent in the City of East St. Louis, Illinois; that at the time respondent purchased said home he gave to said bank a note for the purchase price of said home, and offered, at the time, to execute a mortgage upon said home to secure the payment of said note; that the said bank offered to and did make said loan on the personal note of the respondent with his wife as surety and by respondent taking out additional life insurance.

Further answering said Article the respondent admits that the said Charles B. Thomas did borrow from said bank, without security, a sum of money aggregating about the amount mentioned in said Article, but the respondent denies that said loans were made by reason of the use of the official influence of the respondent and the said Charles B. Thomas, as alleged in said Article.

Further answering said Article, the respondent denies that he had anything whatsoever to do with the loans made by said bank to the said Charles B. Thomas.

Further answering said Article, the respondent avers that after he was elected a director of said bank and discovered the aggregate amount of loans made to the said Charles B. Thomas by said bank without security, that he objected to said loans and demanded that they be collected and that the bank did at once take steps to collect said loans from the said Charles B. Thomas, and did collect the same with all interest due thereon.

Further answering said Article, the respondent denies that he and the said Charles B. Thomas acting in concert with the officers and directors of said bank borrowed sums of money equal to all of the surplus, assets and capital of said bank at a low rate of interest and without security as alleged in said Article.

Further answering said Article, this respondent alleges that he has paid all of the money borrowed by him from said bank, with interest thereon, except the sum of \$1,400.00 which he still owes to said bank.

Further answering said Article, the respondent avers that he lived in the City of Centralia, Illinois, before his appointment as Judge of said District Court; that he was well acquainted with the officers and directors of said bank, and that the officers and directors of said bank had sufficient confidence in him to make the said loans mentioned in said Article as the same were made to him.

Further answering said Article, the respondent denies that he was guilty of any kind of corruption whatsoever in borrowing said money from said bank.

Wherefore, the respondent denies that he was or is guilty of a course of conduct constituting misbehavior as Judge of said court, as in said Article alleged, and denies that he was and is guilty of a misdemeanor in office as in said Article alleged, and further denies that he is guilty of or has done the acts and things charged against him in said Article, and therefore, asks that he be discharged of all matters and things alleged against him in said Article IV.

#### ANSWER TO ARTICLE V

For answer to the fifth article, the respondent says:

(1) That the fifth article does not set forth anything which, if true, constitutes an impeachable offense, or a high crime and misdemeanor as defined in the Constitution of the United States, and that therefore, the Senate, sitting as a court of impeachment, should not further entertain the charge contained in said fifth article.

(2) Not waiving, but insisting upon the foregoing objection to the fifth article, but being unwilling to appear to admit even by implication the truth of the charge attempted to be made in said article, the respondent admits that on the 3rd day of May, 1918, he was duly appointed Judge of the United States District Court for the Eastern District of Illinois, and has held such office to the present day, but denies that during said time he has repeatedly treated members of the bar in a manner coarse, indecent, arbitrary and tyrannically, and denies that he has so conducted himself in court and from the bench as to oppress and hinder members of the bar in the faithful discharge of their sworn duties to their clients, and to deprive such clients of their rights to appear and be protected in their liberty and property by counsel, as in said Article alleged, and denies that he has conducted himself in a manner to bring the administration of justice in said court into contempt and disgrace and to the great scandal and reproach of said court, as in said Article alleged.

(3) The respondent denies that during his said term of office and while acting as such Judge he did disregard the authority of the laws and wickedly meaning and intending so to do, did refuse to allow parties lawfully in said court the benefit of trial by jury, contrary to his said trust and duty as a Judge of said District Court, and against the laws of the United States as in said Article alleged.

(4) The respondent denies that during his said term of office and when acting as such judge, he conducted himself in said court in making decisions and orders in actions pending before him so as to excite fear and distrust and to inspire a widespread belief that causes were not decided in said court according to their merits but were decided with partiality and prejudice and favoritism to certain individuals, and to one Charles B. Thomas, as in said Article alleged, but on the contrary the respondent denies that he ever showed partiality or favoritism to the said Charles B. Thomas, or to anyone else, and avers that during his said entire period of office that said Thomas represented defendants in ten criminal cases, in which there were jury trials, and in eight of them the clients of said Thomas were convicted.



The respondent further avers that during said time the said Thomas appeared and represented defendants in twenty-five criminal cases, in which there were pleas of guilty entered, and that the sentences imposed by the respondent upon the clients of the said Thomas upon said pleas were similar to those entered in other cases under like facts and conditions, and that there were no favors shown to the clients of the said Thomas in said causes.

(5) The respondent denies that during his said term of office he acted improperly or unlawfully or with any intent to favor or prefer Charles B. Thomas in the matter of appointments, rulings and decrees as in said Article alleged.

(6) The respondent denies that he ever did, while acting as Judge of said court, and from the bench and in open court, interfere with and usurp the authority, power and privileges of the sovereign State of Illinois, as in said Article alleged, and denies that he ever did, while acting as said Judge, usurp the rights and powers of said State over its state officials, as in said Article alleged, and denies that he ever did, while acting as said Judge, set at naught the constitutional rights of said sovereign State of Illinois, as in said Article alleged, and denies that he ever did, while acting as such Judge, do any of the matters and things charged in said Article, to the great prejudice and scandal of the cause of justice and of his said court, and the rights of the people to have and receive due process of law, as in said Article alleged.

Further answering said Article, the respondent with reference to said alleged acts of usurpation, states the facts to be that during the summer of 1922, there was a general Shopmen's strike of employees of the various railroads in this country; that there were a number of shops located within the Eastern District of Illinois, where great disturbances took place on account of said strike, particularly at Mattoon, Illinois, at Centralia and Wamac, Illinois, at Mounds, Illinois, and other points within said District; that the conditions at Centralia and Wamac, Illinois, were of an aggravated and serious nature; that the shops of the Illinois Central Railroad Company are located in the Village of Wamac, which is situated in the three counties of Washington, Marion and Clinton, adjacent to the corporate limits of the said City of Centralia; that a great number of striking employees of said Illinois Central Railroad Company resided in the Village of Wamac and the City of Centralia; that upon a bill properly filed in the court of said Eastern District of Illinois, the respondent had issued an injunction for the purpose of preventing the destruction of property, the protection of the lives and limbs of employees working for railroad companies, and to permit the operation of the railroads located within said Eastern District in the discharge of their obligations to the public as common carriers, and in the transportation of the mails of the United States; that the said City of Centralia and Village of Wamac are located but a short distance from the City of Herrin, Illinois, where there had recently been one of the greatest outbursts of lawlessness and anarchy, resulting in the destruction of property and loss of life, that had ever occurred in the history of this nation.

That during said outburst great tyranny reigned and many lives were lost and there was such a complete breakdown of law that the matter had gotten beyond the control of the local authorities.

That during said strike at the shops of the said Illinois Central Railroad Company in said Village of Wamac, the President of the Board of Trustees of said Village (referred to in said Articles as the Mayor of Wamac) was in entire and complete sympathy with the said striking employees and had appointed striking employees of said Village ostensibly for the purpose of maintaining order in said Village during said strike, and some of said striking employees had been appointed Deputy Sheriffs ostensibly for the purpose of preserving order in said Village of Wamac, and said City of Centralia, during said strike; that in truth said deputized officers made no effort to protect property and the lives and limbs of employees of said railroad, but were only engaged in giving aid and assistance to said striking employees; that while said strike was so in progress and while a number of the employees of said Illinois Central Railroad Company were entering the shops and grounds of said Railroad Company in an automobile for the purpose of pursuing their duties as employees of said Railroad Company, the said deputized officers shot at and into said automobile in which said employees were riding and killed one of said employees; that a complaint was filed in said District Court charging said deputized officers, strikers and others with the violation of said injunction; that prior to and at the time said complaint was filed in said court, the respondent had received information from officers of said court that the strike at said Village of Wamac and said City of Centralia had reached such proportions that great disorder was likely to occur, and in

which in all ordinary probabilities, would be great loss of life, and that said officials had received information that there was rumor and talk that a large mob was coming from the said City of Herrin to assist said strikers.

The respondent avers that it was under this situation that he felt it was his duty to instruct the United States District Attorney to have the Sheriffs and States Attorneys of the three counties hereinabove mentioned, and the so-called Mayor of the Village of Wamac, subpoenaed in said cause, so that said officials might be interrogated as to the situation that existed in said Village of Wamac and City of Centralia, with reference to said strike, and so that the respondent might ascertain whether said officials were discharging their duties in preserving law and order at said City of Centralia and Village of Wamac during said strike, and to urge upon said officials to assist the respondent in maintaining law and order at said place; that it was for these purposes and these purposes only that the respondent requested that said officials be subpoenaed in said cause; that in his action in said matter he did not usurp the authority of the State of Illinois, or any right of power over said state officials, but merely presented to said officials the critical situation that prevailed in said Village of Wamac and City of Centralia, and impressed upon said officials their duties as state officers to assist the respondent as Judge of said court in protecting property and preserving life in the section of the state where said disorder prevailed.

(7) The respondent denies that during his term of office he did attempt to secure the approval, cooperation and assistance of Judge Walter C. Lindley, an Associate Judge of said District, by suggesting to Judge Lindley that he appoint a son of the respondent to receiverships and other appointments in said district, in consideration that the respondent would appoint to like positions a cousin of said Lindley as in said Article alleged.

(8) The respondent denies that during his term of office, at divers times and places, he did, while serving as said Judge, seek from the Missouri Pacific Railway Company, employment for his son, George W. English, Jr., to the scandal and disrepute of said court and the administration of justice therein, as in said Article alleged, but avers the facts with reference to seeking said employment, to be as follows: That in conversation with Mr. J. L. Howell, the General Attorney of the Terminal Railroad Association of St. Louis, with whom the respondent had had a long acquaintance, and who was an intimate friend of respondent, and with whom respondent was in the habit of talking over his private and family affairs, stated to the said Howell that his son had recently graduated from law school and passed the examination for the bar in the State of Illinois, and was very anxious to secure a position with some railroad company where he could pursue his profession, and without any effort or intention of securing a position with the railroad by which the said J. L. Howell was employed, stated to the said Howell that he would like for him to aid his son in securing such a position; that in this conversation the said J. L. Howell stated to the respondent that he was well acquainted with the General Counsel of the Missouri Pacific Railway Company; that it was a company of large and extended mileage, and it might be that respondent's son could secure a position with this company, and offered to go with the respondent to the office of the General Counsel of said Missouri Pacific Railway Company and ascertain whether or not such a position could be secured, and that as a result of said conversation the respondent, in company with the said J. L. Howell, did call upon the General Counsel of said Missouri Pacific Railway Company; that in calling upon said General Counsel of said railroad, the respondent did not expect his said son to be employed by said railroad in the State of Illinois, but expected him to be employed, if at all, in the General offices of said company located in the City of St. Louis and State of Missouri.

The respondent further avers that in seeking said employment for his said son he acted in good faith, with only an honest desire to enable his son to procure employment in his chosen profession, without any corrupt or ulterior motives whatsoever.

Wherefore, the respondent denies that he was or is guilty of misbehavior as Judge of said court, and was or is guilty of a misdemeanor in office, as in said Article V alleged, and further denies that he is guilty of or has done the acts and things against him in said Article charged, and therefore, asks that he be discharged of all matters and things alleged against him in said Article V.

AND NOW the respondent, further answering each and all of said Articles, denies all and singular each and every allegation in said Articles, wherein it is alleged that the respondent, while in the discharge of his duties as Judge of said



court, did knowingly and wilfully act corruptly, wrongfully or unlawfully, or act with partiality, or did any act or thing for his own benefit, or for the benefit of his friends and members of his family, or anyone else, and denies that he did any act or thing that did or had a tendency to bring said court, over which the respondent presided, into scandal and disrepute, or to in any wise injure the administration of justice in said court, and denies that he did any act or thing constituting misbehavior on his part as a Judge of said court, and denies that he did any act or thing amounting to a misdemeanor in office while Judge of said court, but on the contrary avers that he, at all times, discharged his duties as Judge of said court honestly, conscientiously and without partiality and according to law, to the best of his ability.

Respondent further avers that the people residing within said Eastern District of Illinois, who desire that all the laws of which said court has jurisdiction be enforced and upheld, were and are well satisfied with the manner in which the respondent discharged his duties as Judge of said court, and further avers that all good law abiding people residing within said District, who desire to have all the laws of which said court has jurisdiction enforced and upheld, irrespective of their likes or dislikes of such laws, have held and do now hold the court over which the respondent has presided in high esteem, and all such persons do now believe that the respondent has discharged his duties faithfully and well.

The respondent, further answering said Articles, avers that whatever mistakes he may have made as Judge of said court have been honestly made and amount to mere errors on his part and not to intentional wrongs.

Respondent, therefore, asks that he be discharged of all matters and things alleged against him in said Articles.

GEORGE W. ENGLISH,  
*Respondent.*

WILLIAM M. ACTON,  
FRANK T. O'HAIR,  
RUDOLPH J. KRAMER,  
BRUCE A. CAMPBELL,  
EDWARD C. KRAMER,  
W. F. ZUMBRUM,  
DAN MCGLYNN,

*Counsel for Respondent.*

Mr. CUMMINS. Mr. President, I present an order for which I ask immediate consideration.

The order was read, considered by unanimous consent, and agreed to as follows:

*Ordered*, That the Secretary of the Senate communicate to the House of Representatives an attested copy of the answer of George W. English, district judge of the United States for the eastern district of Illinois, to the articles of impeachment.

Mr. CUMMINS. I present now a further order and ask for its immediate consideration.

The order was read, considered by unanimous consent, and agreed to as follows:

*Ordered*, That the answer of the respondent, George W. English, district judge of the United States for the eastern district of Illinois, to the articles of impeachment exhibited against him by the House of Representatives be printed for the use of the Senate sitting in the trial of said impeachment.

Mr. CUMMINS. I present the following order which I ask the clerk to read, and I then ask for its immediate consideration.

The order was read, considered by unanimous consent, and agreed to as follows:

*Ordered*, That the managers on the part of the House be allowed until the 5th day of May, 1926, at 12.30 o'clock in the afternoon, to present a replication, or other pleading, of the House of Representatives to the answer of the respondent. That any subsequent pleadings, either on the part of the managers or of the respondent, shall be filed with the Secretary of the Senate, of which notice shall be given to the House of Representatives and the respondent, respectively, so that all pleadings shall be closed on or before the 10th day of May, 1926.

Mr. CUMMINS. Mr. President, if neither the managers nor counsel for the respondent have any further suggestion to make at this time, I move that the Senate, sitting for the trial of the impeachment of George W. English, do now adjourn until Wednesday next at 12.30 p. m.

Mr. REED of Missouri. Before anything else is done I desire to inquire whether the managers on the part of the House have been consulted with reference to the time in which a replication is to be filed and if the time is agreeable to them.

Mr. CUMMINS. I offered the order after consultation with the managers.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate sitting as a court of impeachment adjourned until Wednesday, May 5, 1926, at 12.30 o'clock p. m.

The managers on the part of the House, the counsel for the respondent, and the respondent retired from the Chamber.

The VICE PRESIDENT. The Senate resumes legislative session.

#### MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 99. An act for the relief of the owner of the lighter *Eastman No. 14*;

S. 113. An act for the relief of the owner of the American barge *Texaco No. 153*;

S. 530. An act for the relief of the owners of the steamship *Basse Indre* and all owners of cargo laden aboard said vessel at the time of her collision with the steamship *Housatonic*;

S. 547. An act for the relief of James W. Laxson;

S. 957. An act for the purchase of the Oldroyd collection of Lincoln relics;

S. 1131. An act for the relief of James Doherty;

S. 1226. An act to amend the trading with the enemy act;

S. 2124. An act for the relief of Philip Hertz (Philip Herz);

S. 2338. An act authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army;

S. 2848. An act to extend the time for institution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.);

S. 2907. An act to authorize the general accounting officers of the United States to allow credit to Galen L. Tait, collector and disbursing agent, district of Maryland, for payments of travel and subsistence expenses made on properly certified and approved vouchers;

H. R. 3794. An act granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, and the borough of Columbia, in Lancaster County, Pa.;

H. R. 4785. An act to enable the Rock Creek Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park;

H. R. 9305. An act to amend section 101 of the Judicial Code, as amended;

H. R. 9393. An act to extend the time for the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin;

H. R. 9460. An act granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.;

H. R. 9596. An act to extend the time for the construction of a bridge across the Mississippi River in the county of Aitkin, Minn.;

H. R. 9634. An act to extend the time for the construction of a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.;

H. R. 10121. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River," approved January 31, 1923;

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America; and

S. J. Res. 55. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, in Washington, D. C.

#### PUBLIC BUILDINGS

Mr. FERNALD. I ask that the unfinished business be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, on Saturday it was suggested that those who had some opposition to the public buildings bill should meet with the members of the committee and endeavor to iron out their differences. We had a meeting this morning and were able to come to an understanding which I think will be quite agreeable to all those who have up to this time in any way opposed the bill.

The matter immediately before the Senate is the consideration of the committee amendment on page 2, line 7, and I ask that it may be agreed to at this time.

Mr. BRATTON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

|           |                |             |            |
|-----------|----------------|-------------|------------|
| Ashurst   | Fernald        | Keyes       | Schall     |
| Bayard    | Ferris         | King        | Sheppard   |
| Bingham   | Fess           | La Follette | Shipstead  |
| Blease    | Fletcher       | Lenroot     | Shortridge |
| Bratton   | Frazier        | McKellar    | Simmons    |
| Broussard | George         | McLean      | Smith      |
| Bruce     | Gillett        | McNary      | Smoot      |
| Butler    | Glass          | Mayfield    | Stanfield  |
| Cameron   | Goff           | Means       | Steck      |
| Caraway   | Gooding        | Metcalf     | Stephens   |
| Copeland  | Hale           | Moses       | Swanson    |
| Couzens   | Harrell        | Neely       | Trammell   |
| Cummins   | Harris         | Norris      | Tyson      |
| Curtis    | Harrison       | Nye         | Walsh      |
| Dale      | Heflin         | Overman     | Warren     |
| Deneen    | Howell         | Phipps      | Watson     |
| Dill      | Johnson        | Ransdell    | Wheeler    |
| Edge      | Jones, N. Mex. | Reed, Pa.   | Williams   |
| Edwards   | Jones, Wash.   | Sackett     | Willis     |

The PRESIDENT pro tempore. Seventy-six Senators having answered to their names, a quorum is present. The clerk will state the pending amendment.

The LEGISLATIVE CLERK. In section 1, page 2, line 7, after the word "purposes," the Committee on Public Buildings and Grounds propose to insert the words "giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired," so as to read:

That, to enable the Secretary of the Treasury to provide suitable accommodations in the District of Columbia for the executive departments and independent establishments of the Government not under any executive department, and for courthouses, post offices, immigration stations, customhouses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of the Treasury Department in the States, Territories, and possessions of the United States, he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government conveniently located and available for the purpose (but exclusive of military or naval reservations), adequate and suitable buildings for any of the foregoing purposes, giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. FERNALD. On page 2, line 22, I move to insert the words "except in the case of exchange."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine will be stated.

Mr. SMOOT. After what word does the Senator from Maine propose to insert the amendment?

Mr. FERNALD. After the word "and" where it first occurs in line 22, page 2. I send the amendment to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine will be stated.

The LEGISLATIVE CLERK. On page 2, line 22, after the word "and" where it first occurs, it is proposed to insert the words "except in the case of exchange."

Mr. KING. I should like to have an explanation of the amendment.

Mr. FERNALD. Does the Senator from Utah refer to the amendment which has just been stated?

Mr. KING. Yes. I desire to know whether the amendment as now offered by the Senator from Maine is agreeable to the Senator from Virginia [Mr. SWANSON]?

Mr. FERNALD. The Senator from Utah was not present when I just stated that the Senator from Mississippi [Mr. HARRISON], the Senator from Virginia [Mr. SWANSON], and the Senator from Tennessee [Mr. McKELLAR] met with me this morning and the form of the bill was agreed to with the amendments which I am about to offer.

I am about to offer another amendment concerning which we had an understanding this morning after the one just offered shall have been agreed to.

Mr. SMITH. Mr. President, I desire that the Secretary shall read the context so that we may understand the meaning of the amendment.

The PRESIDENT pro tempore. The Clerk will read as requested.

The legislative clerk read as follows:

When a building is about to be constructed on a site heretofore acquired and such site is found by the Secretary of the Treasury to be unsuitable for its intended purpose, he is hereby further authorized and empowered to acquire a new site in lieu thereof by purchase, condemnation, exchange, or otherwise, and, except in the case of exchange, to dispose of the present site by public sale and to execute the necessary quitclaim deed of conveyance.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Maine on behalf of the committee.

The amendment was agreed to.

Mr. FERNALD. There was an agreement this morning on the amendment which I now send to the desk to come in on page 3, line 12.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine will be stated.

The LEGISLATIVE CLERK. On page 3, line 12, after the word "States," it is proposed to strike out all down to and including the word "projects" in line 14.

Mr. McKELLAR. What is the insertion?

Mr. WARREN. I ask that the paragraph may be read as proposed to be amended.

Mr. FERNALD. The amendment just came to me from the legislative expert, and I have not had an opportunity to read it, but other Senators have.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 12, it is proposed to strike out the words—

Mr. WARREN. May the reading not commence at the beginning of the paragraph?

The PRESIDENT pro tempore. Is it the desire of the Senator from Wyoming to understand the effect the amendment will have on the bill as proposed to be amended?

Mr. WARREN. Yes.

The LEGISLATIVE CLERK. On page 3, line 12, after the word "States," it is proposed to strike out the words "and in case appropriations for projects are made in part only, to enter into contracts for the completion in full of each of said projects," so as to read:

The Secretary of the Treasury is authorized to carry on the construction work herein authorized by contract, or otherwise, as he deems most advantageous to the United States.

The PRESIDENT pro tempore. The question is on the amendment proposed by the committee.

Mr. SIMMONS. Mr. President, I understand there are two distinct amendments. One is on page 3, line 12, to strike out the words—

and in case appropriations for projects are made in part only, to enter into contracts for the completion in full of each of said projects.

That amendment has no reference to anything except that particular item. The next amendment comes in on page 7, not on page 2, and is an entirely distinct amendment.

Mr. FERNALD. That is right, I will say to the Senator. I repeat the amendment just came to me and I have not had an opportunity to read it.

Mr. SMITH. Mr. President, may I ask the chairman of the committee if the proposed amendment which has just been read simply affects the paragraph extending from line 9 to line 13 by striking out all after the word "States" and inserting nothing else in lieu of the portion stricken out?

Mr. SIMMONS. That is the effect of the amendment which has just been stated.

Mr. LENROOT. Mr. President, may I state that the reason for the amendment is, if the portion proposed to be stricken out should remain in the bill, it would be in conflict with the next amendment that is to be submitted?

Mr. SMITH. The Senator refers to another amendment that is to be proposed?

Mr. LENROOT. Yes. Let us have the other amendment reported, so that we may get the connection.

The PRESIDENT pro tempore. The amendment will be stated.



The LEGISLATIVE CLERK. On page 3, beginning in line 12, it is proposed to strike out the words—

and in case appropriations for projects are made in part only, to enter into contracts for the completion in full of each of said projects.

Mr. FESS. Now let us have the next amendment read for information.

Mr. SMITH. I ask that the next amendment, to come in on page 7, may be read, so that we can see its application.

The LEGISLATIVE CLERK. On page 7, line 7, after the word "submitted," it is proposed to insert the words:

Which shall include a statement of the location of buildings proposed to be erected, together with a limit of cost for the same: *Provided*, That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts: *Provided further*, That, unless specifically authorized in the act making appropriations for public buildings, no contract for the construction, enlarging, remodeling, or extension of any building, or for the purchase of land authorized by this act, shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said act making appropriations for buildings shall otherwise specifically provide, appropriations shall be made and expended by the Secretary of the Treasury in accordance with the estimates submitted by the Bureau of the Budget: *Provided further*, That the foregoing proviso shall not apply to buildings or their modification heretofore provided for by act of Congress.

Mr. SMOOT. I should like to ask the Senator from Wisconsin a question.

Mr. McKELLAR. The Senator will recall that that covers section 5, and not section 3.

Mr. SMOOT. I am aware of that. I will read a portion of the amendment. It provides in part—

That, unless specifically authorized in the act making appropriation for public buildings, no contract for the construction, enlarging, remodeling, or extension of any building, or for the purchase of land authorized by this act, shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract.

Mr. LENROOT. That is one situation.

Mr. SMOOT. I wish to ask a question as to just what would be the result of this wording, so that we may all understand its effect. Suppose a building should cost a million dollars. In that event, do I understand that there must be money in the Treasury to the extent of a million dollars before anything may be done or any contract made?

Mr. LENROOT. Unless the appropriation act makes a different provision, which the Committee on Appropriations will be authorized to do.

Mr. SMOOT. In other words, if the amount required is a million dollars, and if only a hundred thousand dollars shall be needed for the one year, then they can go on with that hundred thousand dollars if authorized?

Mr. LENROOT. Yes; and make a contract for the full million dollars.

Mr. SMOOT. And make a contract for the full million dollars?

Mr. OVERMAN. Mr. President, I hope the Senator from Wisconsin, who seems to be familiar with this amendment, will explain it thoroughly, so that Senators will know exactly what they are doing when they vote upon it.

Mr. LENROOT. I shall be glad to do so.

Mr. FESS. Is not the first part of the amendment the amendment which was offered by the Senator from Virginia [Mr. SWANSON]?

Mr. SMOOT. It is a modified amendment.

Mr. LENROOT. Mr. President, let me say, in the first instance, that this amendment does represent a compromise which is not entirely satisfactory to anybody. I believe frankness compels me to say that. Yet it does meet the objections which have been made by the opponents of this bill to a very large extent, and, on the other hand, it does preserve also, to a very large extent, the original principles of the bill.

In the first place, as the Senators know—

Mr. SIMMONS. Mr. President, before the Senator undertakes to explain the amendment I should like to ask him a question.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LENROOT. Yes.

Mr. SIMMONS. I should like to ask the Senator whether the amendment covers another situation which seems to me to arise under the language of the bill, and which I think is entitled to consideration. That amendment only deals, as I understand it, with appropriations for the construction, remodeling, and extension of buildings. There is another provision in the bill which authorizes the Secretary of the Treasury arbitrarily to determine whether a public building located in a city or town is upon the most eligible site, and if he shall decide that it is not, and shall determine that it should be at another point, he is authorized to sell the old site and the old building for such price as he may see fit and cover the proceeds into the Treasury. This amendment does not deal with that situation at all.

Mr. LENROOT. It does not.

Mr. SWANSON. If the Senator will permit me—

Mr. SIMMONS. Let me finish my statement, and then I will be very glad to yield. Here is the provision to which I refer. It is on page 9, beginning in line 15:

In carrying into effect the provisions of this act, if the Secretary of the Treasury deems it to be to the best interests of the Government to construct Federal buildings to take the place of existing Federal buildings, he is hereby authorized to cause the present buildings to be demolished, in order that the sites may be utilized in whole or in part for such buildings, or where in his judgment it is more advantageous to construct a Federal building on a different site in the same city, to sell any such building or buildings and the site or sites thereof, at such time and on such terms as he deems proper, and to convey the same to the respective purchasers thereof by the usual quitclaim deed, and to deposit the proceeds of the sales thereof in the Treasury as miscellaneous receipts.

There the Secretary of the Treasury is given blanket authority, if he determines a site is not a proper one or an existing building is not adequate, to sell the site and building at a price fixed by himself, and to deposit the proceeds in the Federal Treasury as miscellaneous receipts. What I desire to suggest to the Senator is this: Does he not think, under those circumstances, that the Secretary of the Treasury should, at least, be required to advertise for bids or to call for competitive bids, and that where a building already existing is sold under this provision the money arising from that sale should be allocated to the construction of a new building?

Mr. LENROOT. Mr. President, in reply to the Senator I will say that, in the first place, I do not think there could be any possible abuse of this power upon the part of the Secretary, because he can only exercise it where he determines that another public building should be built in the same city in a different location. He can not go on with that public building unless Congress appropriates the money for that purpose; and it would be extremely unlikely that he would ever sell a public building until another public building had already been provided for.

So far as advertising for bids is concerned, I personally should not have the slightest objection to that requirement.

So far as crediting the amount to the appropriation is concerned, there is an amendment—if the chairman of the committee has it, I should like to have him read it at this point—already adopted, not crediting the amount to the building, and it ought not to be so, because one case was brought to our attention where the site alone is worth something like a million dollars more than it would cost to purchase a new site and erect an ample building. The Senator's suggestion would require putting up a building at a much greater cost than the city needed if it so happened that they sold the old site and the old building for a larger sum than was necessary to provide the new ones; but this amendment provides as follows:

and to charge against the total sum of \$150,000,000 hereinbefore authorized only the respective net excess cost, if any, over and above the proceeds of such sales, of providing such new sites and buildings.

Mr. SIMMONS. What amendment is that?

Mr. LENROOT. That is an amendment that has already been adopted; so that, while it is not given credit, the \$150,000,000 authorization is extended by whatever the excess is between the cost of the building and the amount realized from the sale.

Mr. SIMMONS. Then I understand the Senator as saying that he thinks that under this amendment, which he says has already been adopted—my attention was not called to it at the time it was adopted—the proceeds of the sale of a public building, where the site was to be changed and a new building erected, would be used for the construction of the new building?

Mr. LENROOT. No; I do not mean that, but I mean that the excess there would not be a charge against the authorization in this bill.

Mr. SIMMONS. It would become a part of the general fund?

Mr. LENROOT. Yes.

Mr. SIMMONS. But the point I was making was this: Where the Secretary of the Treasury decides that he will sell one building and erect another one in the town I do not see why he should not be authorized, when he sells that building, to go on with the other building, using that particular money.

Mr. LENROOT. The Senator, I am sure, is very familiar with the contest that we had—I was a Member of the other body then, but both Houses felt alike about it—where the policy was adopted, and it has been pursued ever since, not to permit any department of the Government to take the proceeds of sales of Government property and use it in its own department without reappropriation by Congress.

Mr. SIMMONS. But the Congress can, by appropriate action, appropriate that money for the construction of the new building.

Mr. LENROOT. Certainly.

Mr. SIMMONS. That is what I propose.

Mr. LENROOT. Under the bill as it stands Congress would have exactly that power.

Mr. SIMMONS. I will examine the amendment to which the Senator refers; and if it accomplishes that purpose, I am satisfied.

Mr. LENROOT. But there would have to be an appropriation by Congress.

Mr. SMITH and Mr. OVERMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I yield first to the Senator from South Carolina.

Mr. SMITH. Following out the suggestion made by the Senator from North Carolina [Mr. SIMMONS], would it not be competent for us to provide that where an appropriation has been made for the construction or renewal of a building existing in a certain State or in a certain city in the disposition of the old building, in case a new site is to be purchased and a new building is to be erected, so much as is necessary of the proceeds from the sale of the old building is appropriated, whether it takes it all or whether it does not take it all? Could we not so word it that in case the amount realized from the sale is not adequate it will be applied toward the cost of the new building, and in case there is an excess so much thereof as is authorized in the act is appropriated for the construction of the building, so that the town will not stand in danger of losing what it already has to provide for the new building? It seems to me we could word it so that we would appropriate out of the sale a sufficient amount, if it was in excess of the amount required, or all of it, with an additional amount, for the construction of a new building within that city.

Mr. LENROOT. We can do that now under the bill.

Mr. SMITH. I say, it seems to me it would be helpful if we could put that in the bill. I understood what the Senator said a moment ago, that if there was an excess over the appropriation from the sale of the old building, it would be covered back into the Treasury in addition to the \$165,000,000, so that it would not be lost to the public-buildings fund, no matter what it amounted to, and could be utilized to carry out whatever authorization was made for the construction of these buildings; but I think it would be very helpful to the bill if we could, as the Senator from North Carolina indicates, make a direct appropriation, in case of the authorization, of the funds arising from the sale.

Mr. LENROOT. We can; but I am sure the Senator does not want to have Congress, in an authorization bill, make any kind of appropriations.

Mr. SMITH. No; I do not think that is necessary; but my point was that in case of authorization, if a sale should take place, we could make provision when we came to appropriate that the proceeds from that sale should be expended within the locality of the authorization.

Mr. McKELLAR. It seems to me that would be a very doubtful method of appropriating. We ought to make these appropriations directly.

Mr. LENROOT. All that would appeal to the committee when the estimates come in and appropriations are made, of course. That, however, is an entirely distinct matter from the amendment that is now pending; and if we might dispose of that first, I think we could get together upon the other matter.

Mr. KING. Mr. President, let me ask the Senator a question, in view of the question of the Senator from South Carolina. In case of the sale of ground already owned by the Government which when it was purchased it was believed would

be the site upon which a building would be constructed, if it is now sold for a sum considerably in excess of what is needed for a site which is more desirable, why should the proceeds be covered into the \$165,000,000 fund? Why should it not go into the Treasury, so that the aggregate appropriation is only \$165,000,000?

Mr. LENROOT. That is where it does go, except that where there is an excess—that is, where we can get more public buildings under the \$150,000,000 authorization by reason of a larger sum being received and it does not involve any additional expense upon the Treasury—we extend the authorization by just that much, but there is no greater charge upon the Treasury than \$150,000,000.

Mr. OVERMAN. Mr. President, I dislike to go on with this matter, but a question occurs to me right here, if the Senator will pardon me. We have this situation in my State: We have a building that we could sell probably for enough money to buy another site and put up another building because of its being located in the center of a town. Could that be taken care of in the appropriation?

Mr. LENROOT. It would have to be appropriated for.

Mr. OVERMAN. I understand that it would have to be appropriated for, but would the Secretary be authorized to do that by certifying to the committee that this could be done and we would appropriate the amount we received for the building?

Mr. LENROOT. Oh, yes; you could do it.

Mr. SMOOT. There are half a dozen similar cases in the United States that I know about.

Mr. FESS. Mr. President, will the Senator yield for the statement of a concrete presentation?

Mr. LENROOT. Yes.

Mr. FESS. The city of Toledo has an old building, monumental in character, but the city has grown clear away from it; and it is right down in the heart of the city, where the business makes it a very valuable property, but not for a post office. In fact, it is now a mere branch of the post-office building. It can be sold to-day for business purposes for a tremendous amount of money, far in excess of the purchase price of another site, and probably in excess of the complete cost of construction of an entire new building with a great deal better facilities. While I should be very glad to see the power given to the Secretary of the Treasury to sell that building for business purposes and take the proceeds of it to buy the new site and erect a new building, yet the policy of the Government is not to give that blanket authority. It is rather to sell the building and turn the money back into the Treasury, and then, by a separate act, purchase the other site and erect a new building. I do not believe Congress would be willing to give that blanket authority.

Mr. SIMMONS. Does the Senator think, therefore, that Congress should give the Secretary of the Treasury blanket authority to sell that property at any price that he sees fit?

Mr. FESS. We have already passed a bill, both in the Senate and in the House, giving the Secretary of the Treasury authority to sell it in this particular case.

Mr. SIMMONS. To sell it without public or competitive bids?

Mr. FESS. He would not sell it without public bids, but—

Mr. SIMMONS. He can if he wants to.

Mr. FESS. I think he can; yes; unless there is a general law on the subject.

Mr. LENROOT. I am not sure about the general statute.

Mr. FESS. Unless the general statute would forbid it.

Mr. SIMMONS. Unless there is a general statute, I think it would be very bad legislation.

Mr. LENROOT. When we get to that, if the Senator will propose an amendment on the subject, I am perfectly willing to have it adopted.

Mr. SIMMONS. Yes; I will.

Mr. McKELLAR. I think it should be amended.

Mr. LENROOT. Now, if I may get back to the amendment, which is a compromise, reached this morning, this amendment covers three distinct propositions.

The first one is the proposition so strenuously urged by opponents of the bill that Congress itself should designate each city in which a building is to be erected under this \$150,000,000 appropriation. The bill as it now stands does provide for estimates being made by the Secretary of the Treasury of the buildings and land proposed to be purchased during the next fiscal year. The first amendment merely enlarges the direction to the Secretary in the submission of those estimates, by adding, at the end of line 7, the following:

Which shall include a statement of the location of the buildings proposed to be erected, together with a limit of cost for the same.



That is, if this amendment is adopted, the Secretary of the Treasury or the Budget must submit estimates stating the cities in which it is proposed to erect buildings out of the appropriation asked for, and also the limit of cost for each building.

Then, the next proposition is in the form of a proviso:

*Provided*, That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary in such a manner as to fairly distribute the same on the basis of area, population, and postal receipts.

The pending amendment, offered by the Senator from Mississippi [Mr. HARRISON], provided a mandatory distribution of this \$100,000,000—\$50,000,000 being in the District of Columbia—the \$100,000,000 to be distributed upon the combined basis of population, area, and postal receipts, was it?

Mr. McKELLAR. It is population and area; but as agreed upon it includes population, area, and postal receipts.

Mr. LENROOT. No; I mean the Harrison amendment.

Mr. McKELLAR. I am speaking of that; but the amendment agreed upon provides for three—population, area, and postal receipts.

Mr. LENROOT. The distinction between this compromise and the amendment of the Senator from Mississippi is that it would require the Secretary of the Treasury to allocate money for buildings in a State whether there was any need for buildings in that State or not. We have avoided that by this compromise, which provides that it must be distributed only in States where the Secretary has found and determined that additional public buildings are necessary, and as between those towns where he has found it necessary to erect public buildings, the amendment provides that he must allocate his estimates fairly, based upon population, area, and postal receipts.

Mr. SMITH. That is, within the States where he finds there is a necessity for new buildings?

Mr. LENROOT. Yes.

Mr. SMITH. It has left him the discretion to find what States do need buildings?

Mr. LENROOT. Exactly.

Mr. SMITH. And then the money shall be allocated equitably among them.

Mr. LENROOT. Yes. The next provision is a substitute for what is known as the Swanson amendment. It will be remembered that the Swanson amendment provided that the Secretary of the Treasury should have no authority to enter into any contract for the construction or modification of a public building where all of the obligations arising out of the making of that contract could not be met out of moneys available in the Treasury at the time the contract was made. It was brought to the attention of the committee, and other Senators who met with the committee this morning, that there may be cases where it would be very desirable to make an appropriation, say, of a million dollars, for the completion of a public building costing probably \$3,000,000, but that with the Swanson amendment that would never happen, and all the money to complete a building would have to be in the Treasury before anything could be done.

With the amendment as it is now written, the prohibition still exists, but the Committee on Appropriations in reporting a bill may provide—and the committee is given authority to provide—that in the case of a city where they do not expect to complete the building within the following fiscal year we may appropriate, say, a million dollars, and authorize the making of a contract for the completion of the building at a future time.

Mr. McKELLAR. This compromise amendment goes a step further. All of these appropriations have to be made upon estimates sent in by the Budget.

Mr. LENROOT. I am coming to that. That is the next provision. I think this fully meets the suggestion made by the Senator from Utah, and I think it also fully complies with the motive the Senator from Virginia had in offering his original amendment.

Mr. SMITH. In that connection, when the Senator speaks of making an appropriation of a million dollars for a project which may ultimately take \$3,000,000, is it contemplated that all the legislation for public buildings that may be authorized will have come within the \$100,000,000?

Mr. LENROOT. Except as to the amendment with reference to the sale of sites and the sale of buildings.

Mr. SMITH. All appropriations and authorizations in the immediate future will have to come within the limit of the \$100,000,000?

Mr. LENROOT. With the further limitation of an expenditure of only \$25,000,000 each year.

Mr. SMITH. And that there can not be allocated amongst all the States more than \$25,000,000 for projects?

Mr. LENROOT. As a matter of fact, that will be only \$15,000,000.

Mr. McKELLAR. Fifteen million among the States and ten million in the District of Columbia.

Mr. LENROOT. The next provision is a continuation of the same proviso and reads:

And unless the said act making appropriation for public buildings shall otherwise specifically provide, appropriations shall be made, and expended by the Secretary of the Treasury, in accordance with the estimates submitted by the Bureau of the Budget.

It was contended by opponents of the bill that Congress itself should specify each building, and, of course, that would get us back to the old system. There is no avoiding that if we are to handle the matter in that way. But we have met that situation by providing that the estimates made by the Budget must be followed by the Secretary of the Treasury unless the act making appropriations shall otherwise provide. That is to say, the Budget estimate is to be adopted by Congress except where Congress itself may make a different provision, thereby obviating the necessity of Congress itself appropriating separately and specifically for each public building.

The last proviso is the same as the proviso of the Swanson amendment, providing that nothing herein provided shall affect section 3.

Mr. OVERMAN. It does not affect the appropriation of \$15,000,000 where the sites have been purchased and authorizations already made?

Mr. LENROOT. No.

Mr. SIMMONS. Mr. President, I would like to ask the Senator one question about this matter. This provision in the amendment just read, for the distribution of this fund upon the basis of area, population, and postal receipts, does not remedy the situation that was presented here the other day of twenty-odd States which probably would get nothing at all during the life of this bill.

As I understand the Senator's explanation, no part of this fund would be allocated to any State unless it should be found that there was an emergency condition within that State. If there is no emergency requirement in a particular State, it gets nothing. Is that not true under this amendment?

Mr. LENROOT. I would hardly say "emergency," but there is a hundred million dollar authorization, and the Treasury Department no doubt will make a survey of the entire country, of each State in it, having in mind that for the next six years they will be limited to an expenditure of \$25,000,000 a year, a total of \$150,000,000, only \$100,000,000 of which can be expended outside of the District of Columbia. I take it for granted that in making that survey the Treasury Department will determine where the greatest emergencies exist, and I want to repeat that that does not necessarily involve the size of a post office or the size of a town, because there may be an urgency in a small town proportionate to that which exists in a very large city.

Mr. SIMMONS. But if there is no urgent case reported from a particular State, it would get no part of the money?

Mr. LENROOT. It would get no part.

Mr. SMOOT. There would be no necessity for it.

Mr. SIMMONS. I was addressing that question to the situation that was developed here, I think, on Saturday, at the conclusion of the very able speech of the Senator from Texas. It appeared that the supervising architect had filed a statement with the committee in which he reported that there were emergency conditions in certain States.

Mr. McKELLAR. Twenty-seven.

Mr. SIMMONS. In 27 States; and that the amount of money that would be required to provide for those emergency situations in those States would absorb this \$100,000,000 and leave nothing for the other States.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt right there?

Mr. SIMMONS. Certainly.

Mr. SWANSON. I want to make this correction. There is no report that that includes all the emergencies. The Senator will remember, if he has read the hearings, that in 1922 there were 140 cities in which, according to the Postmaster General, there was a congestion of business, and he said that they were interfered with by not having post-office facilities. A few months after that 19 other cities were recommended as being in a condition of distress on account of a congestion of business, making 159 in 1922. Since that time some of those cities have been provided for, and when the hearing was held in the House, Mr. Woodrum, from Virginia, asked the Super-

vising Architect which of those 159 cities had already been provided for. He asked:

You say some have been provided for and some have not. Name those, out of this list of 159, that have not been provided for since 1920 where congestion exists.

He did not intimate that there were not others. In response to that request by Mr. WOODRUM, a Member of Congress from Virginia, this list of 82 was brought up, showing that the others had been provided for by Congress since 1922. That was not equivalent to saying that nothing else was needed. All that was asked was as to which of the 159 buildings had already been provided for. It was found that 82 had not been provided for.

Mr. SMOOT. Just as I stated on the floor of the Senate the other day—

Mr. SIMMONS. I am not talking about buildings that have already been erected. Whether they have been justly distributed or not I do not know, but we are providing a hundred million dollar fund for the purpose of erecting public buildings in the future, and it does appear that in all probability, if this fund is to be distributed upon the basis of the most urgent need, some twenty-odd States of this Union will get no part of this fund.

Mr. SWANSON. Let me ask the Senator this question: If there were 159 cities named in 1922, and all of them but 82 have already been provided for, why should not the others be provided for?

Mr. SIMMONS. It is futile to say that the needs of these 20 cities that are to be left out have already been provided for.

Mr. MOSES. How many of the 82 are in Virginia?

Mr. SWANSON. I think there are two in Virginia.

Mr. MOSES. What amount is carried for those?

Mr. SWANSON. I forget. It will be shown here. There are two in Virginia, which were reported and not provided for, which have not been provided for since 1922. If the Senator will simply listen, he will see that this amendment, to which everybody has agreed, provides that the Secretary shall submit through the Budget a list of places where emergencies exist to-day, large cities, small cities, and all; that they shall be submitted in an estimate naming the places and stating the amounts and the buildings. When that submission is made, it goes to the Appropriations Committee. Then this amendment authorizes that committee to do one of two things. First, they can report out a bill authorizing a contract for one or two years, and making the money immediately available. Then it provides that that money shall be distributed according to population, area, and postal receipts. Those estimates shall be so made and brought to Congress. Then it is provided that any appropriation that is made in a lump sum, unless otherwise provided by Congress, shall be distributed according to those estimates.

Mr. MOSES. What is meant by "population"? Does it mean the population of the places in the States or the population of the States?

Mr. SWANSON. The population of the State, the area of the State, and the postal receipts of the State.

Mr. FESS. Mr. President, will the Senator yield?

Mr. SWANSON. Yes.

Mr. FESS. Should not the provision in the amendment on page 7, at the bottom of the page, where it limits expenditures to \$5,000,000, go out now, in view of this amendment?

Mr. SWANSON. That becomes unimportant, except so far as making appropriations and giving preferences is concerned. It does not amount to much.

The proposed amendment contemplates the method that was provided when I was on the committee that fixed up the distribution of funds for roads. We were here nearly two months trying to agree on a method for the distribution of the fund. We finally provided that it should be divided one-third on area, one-third on population, and one-third on mileage of rural delivery routes and star routes in the State as of the 1st of February of the year for which the distribution was made. That has worked satisfactorily.

Mr. MOSES. That produced a great deal of injustice, because it omitted the tax payments by a lot of States.

Mr. SWANSON. The internal revenue tax on cigars, tobacco, and cigarettes is collected in all the large cities in my State, but the taxes are paid by the people who smoke the cigarettes and cigars. Consequently it is impossible to determine that amount.

Mr. MOSES. Does not Virginia get credit for those payments?

Mr. SWANSON. Credit does not go in legislation. The wealth of it is collected elsewhere. It is impossible to determine on that basis. Now, I will go further. The bill takes

care of the emergency. If we were to appropriate \$200,000,000 or \$300,000,000 it would force buildings in States where there is no necessity for them. With only \$100,000,000 appropriated, everybody admits that in every State in the Union that there is an emergency existing, and it is an amount that ought to be divided among all the States according to the amount of emergency which exists.

Mr. SIMMONS. But this distribution is not made among all the States of the United States. It is only made among those States where the department has found and reported that there is an emergency.

Mr. SWANSON. Where does the Senator find language in the bill that does that?

Mr. SIMMONS. I find it in the amendment.

Mr. SWANSON. The amendment simply says the Secretary shall submit a list. That is simply a report showing the buildings which have been left out and uncompleted since 1922.

Mr. JONES of New Mexico. Mr. President, I think I may make a suggestion which will probably meet the approval of the Senator from North Carolina. I have an amendment to the amendment which is now before the Senate making this further proviso:

*Provided, That at least one building shall be constructed or commenced annually in each State having a post office with receipts more than \$10,000 during the preceding year for which no public building has been provided.*

The purpose of that is to secure for each State at least one building during each year so long as there is a community where the postal receipts amount to \$10,000 a year, and where there is no provision made or where no public building has been provided for.

It seems to me that would in a measure take care of just what the Senator from North Carolina has in mind. If I have been able to read these estimates from the Treasury Department aright, there are 22 States in the Union which will have no public buildings constructed under this measure.

Mr. SIMMONS. And the amendment will not change that situation probably.

Mr. JONES of New Mexico. I do not believe that situation is right. So long as any State has a post office with postal receipts at such an amount, a community making that return and no public building provided, it at least ought to have one building each year. I offer this as an amendment to the amendment.

Mr. SIMMONS. Mr. President, the Senator from Virginia said, and said very correctly it is true, that there is not a State in the Union that does not need additional public buildings. It is true that not 27 alone need them, but every State in the Union needs them. If the fund were to be distributed among the States upon the basis of area, population, and postal receipts there could be no objection to it, but that is not the character of the amendment. Let me read what the amendment does provide:

That in submitting such estimates the Secretary of the Treasury shall allocate the amount proposed to be expended to the different States where the buildings are found by him to be necessary.

If he finds buildings necessary, then this provision with regard to distribution applies, but if he finds that a State does not need a public building, then the provision does not apply to that State, and that State gets nothing.

Mr. SWANSON. He is not compelled to make the estimate if he does not think they need it.

Mr. SIMMONS. But I find that the Supervising Architect has filed a report with a committee of the House in which he states that there are emergency conditions in 27 States which would absorb all of this \$100,000,000 and leave nothing for the other 22. This amendment does not change that situation at all. It simply provides that in those 27 States, where he finds there is necessity for a public building—an emergency, if we want to use as strong a term as that—then the distribution is to be made according to area, population, and postal receipts.

Mr. MAYFIELD. Mr. President—

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from North Carolina yield to the Senator from Texas?

Mr. SIMMONS. I yield.

Mr. MAYFIELD. The Senator states that the list of emergency cases filed by Mr. Wetmore before the House committee will absorb the entire \$100,000,000. I call his attention to the fact that the sums contained in that list amount to \$119,650,000. Therefore nearly \$20,000,000 will have to be lopped off somewhere.

Mr. SIMMONS. That makes the case only the stronger.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. SIMMONS. I yield.



Mr. ASHURST. I would invite the attention of the Senator respectfully to the amendment proposed by the Senator from New Mexico [Mr. JONES] which, as I heard the same read, deals precisely with the vice which the Senator from North Carolina is pointing out. If the Senator will bear with me, I will ask that the amendment be read at this time, in order that we may ascertain if it does not deal with the situation.

Mr. SIMMONS. Undoubtedly it does. I heard the amendment read. Undoubtedly it does, not adequately or effectively, but it does to an extent deal with the situation.

Mr. ASHURST. It is the best that may be done, I think.

Mr. SIMMONS. I should hope, before the compromise proposed by the Senator from Wisconsin is adopted, that the amendment of the Senator from New Mexico will be adopted.

Mr. SWANSON. Mr. President, I do not see how anybody could object to it. The whole trouble arises in some people's minds—

Mr. ASHURST. Mr. President, will the Senator from Virginia yield to me just a moment?

Mr. SWANSON. I yield.

Mr. ASHURST. The Senator from Virginia rose and said that the amendment provides thus and so. What I want to know is this: Is it true that, under the Senator's amendment, there would be 27 States which would not have a public building?

Mr. SWANSON. No; not a word of that is true.

Mr. ASHURST. What is the truth about it?

Mr. SWANSON. There is nothing in it, and the Senator can not find anything in the bill that will do it. I will explain it.

Mr. ASHURST. Then, how long will it take to explain the explanation?

Mr. SWANSON. I do not know. If the Senator does not listen and continues to talk, it would take an eternity.

There are 82 buildings that were included in a statement made by the Treasury Department in response to an inquiry as to the buildings in which business was congested in 1922 that had not been provided for. They did not send that list here voluntarily. In 1922 they stated there were 159 buildings in all the States that were congested and where business was interfered with. Some of them have been provided for by appropriations, some of them have had buildings erected, and they were discussing how many there were remaining of the 159. They were told that all but 82 had either had the congestion relieved or provided for, and at the request of a Member of Congress in the House they sent this list of 82 buildings. That is all they had left out of the congested condition of 1922.

The Senator from North Carolina has the idea that the appropriation for the emergency is limited. It is not at all. There is nothing in the bill which does that. That stands as a statement of what is left that was not taken care of out of the 159 buildings. The amendment under section 4 directs that the Bureau of the Budget shall at least annually, or from time to time, send to Congress estimates where they think there ought to be public buildings and where the conditions are such as to justify such a course. They send those names in. They do not send in the 82. The condition with respect to some of the 82 might be changed by appropriations made during this session. They send in an estimate that goes to the Appropriations Committee, giving a list of places where there is a demand for public buildings.

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. SWANSON. I yield.

Mr. SMITH. About how much is it estimated would be necessary to complete the 82?

Mr. SWANSON. It would take about \$117,000,000.

Mr. SMITH. That means, if the Senator will pardon me, that there is already before the Congress and the public an emergency or a necessity already specified to the extent of 82 buildings that will take \$17,000,000 more than we have proposed to appropriate.

Mr. SWANSON. With this exception, that there may have been some buildings in the list of 82 that might be more of an emergency now than those which were included in the list of 159 buildings. Very frequently, as time goes on, population increases, and we have a big increase in business in a particular section. This list was given in 1922, four years ago, when the emergency existed as they then stated. The list which is now presented is what is remaining out of those 159. These 82 places have not been provided for. The others were provided for during the four years, and the emergency does not exist there now.

Mr. SMITH. The point I am making is that we start out with a handicap of 82 already declared emergencies.

Mr. SWANSON. All right; it is a remnant left of an emergency that existed in 1922. That does not add any additional

emergency. It has not added an additional emergency. Nobody has asked the department to give us a list of the buildings and places where the present emergency exists. All that was requested of them was to give us a list of those which have not been taken care of since 1922. The amendment simply directs the Secretary to send to Congress an estimate each year showing where the emergency exists and the need for public buildings. When that list comes to Congress it is left to Congress and the department as to what they will do with it. In making the estimate the Secretary has to distribute it among the States where the emergency exists in proportion to the population, in proportion to size, and in proportion to postal receipts. If there is an emergency which exists in this country, it must be taken care of in that way.

The list which was sent up showed the emergency which existed in 1922, and the subsequent list shows those which were not taken care of as they existed at that time. The Secretary would be permitted to make his estimate in that way where the emergency exists at the time. Consequently, if there is a State where an emergency exists, and it was not included in the list of 82, he would have to consider that situation in proportion to population area and postal receipts.

Mr. SMITH. If the Senator will allow me just a moment—

Mr. SWANSON. I yield.

Mr. SMITH. The whole appropriation is based upon an emergency already existing. We start out with whatever was left from the 115, or whatever the number was that had been provided for in the last four years. The emergency as to the 82 buildings which has been pointed out will by all processes of reasoning have not become less acute but more acute, because it was acute four years ago and it certainly is more acute now. This proposed amendment, based upon emergency needs and providing that the Secretary of the Treasury shall apportion the money according to the emergency will compel him to start with the presumption that, unless somebody overlooked something four years ago, subsequent to 1922 a condition has developed that puts some other State or some other place on the same plane with these 82. Then it is left to his discretion as to whether or not he will say that those cases are more emergent than are the present 82 cases.

Mr. SWANSON. No. If the Senator will permit me, those 82 cases continue to be emergency cases, and since 22 other cases have arisen there are emergencies not embraced in the 82. What does this amendment propose to do? This amendment provides that in submitting his estimates the Secretary of the Treasury shall consider emergencies outside of those 82 cases and shall allocate the amounts recommended in his estimates to the different States according to population, area, and postal receipts.

Mr. SMITH. Mr. President, then, the Senator from Virginia will not pretend to deny that the Secretary of the Treasury will have to discriminate against an already existing and declared emergency?

Mr. SWANSON. It is simply required that there shall be an emergency. When an emergency exists, whether it is in the 22 States or not, preference is given in the division of the money to the States according to the basis suggested. It is made perfectly clear, I think, that it is not intended that the Secretary of the Treasury shall consider only the 82 places. I do not see any other way by which we can get rid of the difficulty with respect to the 82 places.

Mr. ASHURST. Mr. President, will the Senator yield for a moment?

Mr. SWANSON. Yes.

Mr. ASHURST. I am for the Senator's amendment; I do not wish to be considered as hostile to it; but I do think that instead of being weakened it will be much improved by the amendment of the Senator from New Mexico.

Mr. SWANSON. I have no objection to that amendment. I think each State ought to have one building, in any event, and certainly it is probable that the capitals of the various States need increased facilities.

Mr. SMITH. I should like to call the Senator's attention to the fact that the proposed amendment of the Senator from New Mexico would certainly alleviate what would otherwise be an intolerable condition, namely, that 22 States are to be ignored because of emergencies which exist in other States.

Mr. SWANSON. If the Senator will permit me, the way the 22 States would get in under this amendment, if they have an emergency—and it does not have to be an acute emergency—would be that in making his estimates the Secretary of the Treasury would have to divide the money among the States according to the three factors named. It is made plain that it is the intention of Congress, clearly expressed, to distribute the appropriations under the estimates among all the States.

Mr. SIMMONS. I suppose that the States about which the Senator is now talking as not included are covered by the \$15,000,000 authorization, but not by the \$100,000,000 authorization?

Mr. SWANSON. Some of them are.

Mr. SIMMONS. Most of them are.

Mr. SWANSON. We have authorized certain buildings, but have not appropriated sufficient funds to complete them, and it is proposed now to authorize an additional \$15,000,000 to complete buildings heretofore authorized.

Mr. SIMMONS. Are they the buildings which the Senator is now trying to cover under his amendment?

Mr. SWANSON. No; the amendment does not apply to section 3; the buildings there provided for will be completed anyway. The amendment applies to the \$100,000,000 authorization, which, it is said, otherwise will go to the 82 buildings.

Mr. SIMMONS. They are to be completed out of the \$15,000,000 fund?

Mr. SWANSON. The 82 buildings?

Mr. SIMMONS. No; not the 82 buildings, but those that the Senator has been talking about?

Mr. SWANSON. This amendment applies to the \$100,000,000 authorization which the Senator says must be dedicated to the 82 buildings, but I say it is not limited to them. The amendment leaves it to emergency cases distributed all over the States according to the factors mentioned.

Mr. SIMMONS. Mr. President, if the Senator is correct about it, I have not understood the amendment. I have understood that the \$100,000,000 which we are authorizing to be appropriated in section 5 is to be dedicated to the purchase of new sites and the construction of new buildings. In another section we have appropriated \$15,000,000 to take care of cases where the Government has already acquired sites and commenced the construction of buildings. They do not need to be brought in under the emergency clause of this amendment; they are taken care of by a separate provision of the bill. The projects which are to receive the benefit of the emergency provision of the amendment are projects that are to be hereafter undertaken for which we are authorizing an appropriation of \$100,000,000.

The 82 emergency cases referred to by the Senator from Texas had relation to new construction, to the purchase of new sites, to be provided for under the \$100,000,000 authorization. Should the emergency list stand and be hereafter acted upon by the department, if one of those sites happens to be included in that list, then the State in which it is located will get the benefit of this distribution between the States; but if it happens that there has been no such site purchased and no report as to the necessity of a site or the necessity for a building in a State has been made, then that State will not get any benefit from this distribution.

Mr. SWANSON. Will the Senator let me explain it?

Mr. SIMMONS. The Senator has already explained it.

Mr. SWANSON. Just on that point, I will ask the Senator to read the amendment.

Mr. SIMMONS. I have read it so many times I do not want to read it again.

Mr. SWANSON. I am sure the Senator does not wish to misrepresent the amendment.

Mr. SIMMONS. No; I will read just what it says. It comes in on page 7, line 7:

Strike out the period and insert in lieu thereof a comma and the following: "which shall include a statement of the location of buildings proposed to be erected, together with a limit of cost for the same: *Provided*, That in submitting estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary."

Mr. SWANSON. It reads, as the Senator will note, "are found" and not "have been found."

Mr. SIMMONS. "Are found" to be necessary at the time he makes his report. If a building is found to be necessary in a State, then this follows:

in such manner as to distribute the same fairly on the basis of area, population, and postal receipts.

But only in those States where he finds there is a necessity for a public building. We all know, Mr. President, the money is not sufficient to go around and give every State any considerable amount of it.

Mr. SWANSON. There is an emergency in many places due to the congestion of business. In one month from now, under the provision the Senator has read, the Secretary of the Treasury would be directed through the Budget to send to Congress an estimate which would show where emergencies exist in the country. In making that estimate, after ascertaining the need

of the various States on account of crowded and inadequate quarters, he would have to divide the estimate fairly among the States according to the three factors mentioned. We would not want, when emergencies exist all over the country, to have buildings constructed where there is no need for them.

Mr. SIMMONS. Let me suggest this possibility—

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Georgia?

Mr. SWANSON. I yield.

Mr. GEORGE. Let me ask the Senator from Virginia a question. I have not been here during the entire discussion of this bill. Is it left absolutely in the discretion of the Secretary of the Treasury to determine where emergencies exist?

Mr. SWANSON. He determines that matter in making the estimates, but the making of the appropriation is left to Congress. That is the course that is usually followed. He is not compelled to make estimates for places where additional facilities are not needed. It is left to his judgment.

Mr. GEORGE. Is there no restriction on that at all?

Mr. SWANSON. Yes; in making his estimates as to places where he considers there is a need he must distribute the amounts according to the three factors mentioned. When the estimates come here, as in the case of estimates for river and harbor improvements, Congress may either adopt the estimates or it may add to them.

Mr. GEORGE. I should like to know if, in the first instance, the Secretary of the Treasury is given unrestrained discretion as to the selection of the places where post offices and other buildings shall be constructed?

Mr. SWANSON. Under the amendment he will not have nearly so much discretion as in the original bill. I do not see how we could say that he shall recommend that a building is needed at some place when he does not think it is needed.

Mr. GEORGE. I take it, then, that the Secretary has the right, in the first instance, to say what States need buildings?

Mr. SWANSON. He has the right to say what States or places need buildings, and after he decides on the States which need them he must make his estimates, dividing among the States the amount for that year according to population, and so forth.

Mr. GEORGE. But that is after he has made the selection of the States?

Mr. SWANSON. Yes.

Mr. SIMMONS. Mr. President—

Mr. GEORGE. I should like to ask, further, if the Senator from North Carolina will pardon me, how is he to determine where buildings are needed?

Mr. SWANSON. He will have to determine, for instance, whether an existing customhouse is crowded; he will have to determine whether an existing hospital is crowded; he will have to determine whether the business in a given post office is congested, and whether that office needs additional facilities. The Postmaster General and the Secretary of Commerce have been submitting estimates here for some time on their own motion; they make their recommendations; but I know of no way we can compel them to determine whether a post office is needed or not. However, after the Secretary of the Treasury determines that a building is needed and makes an estimate, then the amount is divided among the various States.

Mr. GEORGE. May I ask the Senator another question?

Mr. SWANSON. Certainly.

Mr. GEORGE. Is he to make these estimates because of the necessity of the States, or is he to have regard for the condition of the Treasury?

Mr. SWANSON. He is to make the estimates in a business way, according to the needs of the service. As in the case of the ordinary Budget estimates when they come here, they will go to the Appropriations Committee and the Appropriations Committee will act on those estimates. If the committee approves, it will recommend the appropriation.

Mr. SIMMONS. Mr. President, under the bill the Senate is given some control over these recommendations through the Committee on Appropriations. The Committee on Appropriations must appropriate if it approves; but if it disapproves, the function of the Committee on Appropriations is exhausted. Does the Senator mean to say if the Committee on Appropriations disapproves a recommendation for a site in a particular State that it can select another site and determine how much should be appropriated for the construction of a building on that other site?

Mr. SWANSON. If the Senator will read the amendment, he will see that when the estimates come in and a lump sum of money is appropriated, it is distributed according to the estimates, if the Senate approves them, but if the Senate disap-



proves them, it can make an appropriation and specify its expenditure as it sees proper.

Mr. SIMMONS. It can refuse to make an appropriation; it can appropriate a different amount than that called for by the estimate; but if it declines to make the appropriation for the whole sum or for a modified amount of that sum, it can not select another site.

Mr. SWANSON. Oh, yes, it can; absolutely.

Mr. SIMMONS. Where is the authority for it to select another site?

Mr. SWANSON. Where is the authority that prohibits it?

Mr. SIMMONS. The authority to make the appropriation comes from the Budget report, and the Budget report is based upon the estimate of the Treasury Department. The question that is presented to the Appropriations Committee is whether it will appropriate the money for the buildings suggested, for the erection of a post-office building, say, at a specific place—

Mr. SWANSON. The Senator is mistaken.

Mr. SIMMONS. Or the purchase of a site at a particular place.

Mr. SWANSON. If the Senator will permit me, the Appropriations Committee can recommend an appropriation within the authorization; it can not do so now, because nothing has been authorized, but under this bill it is authorized to appropriate \$100,000,000; that is the authorization.

Mr. SIMMONS. There is no question about the right of the committee to recommend an appropriation.

Mr. SWANSON. It has the right to recommend an appropriation; it can recommend the appropriation if it sees proper on the estimates submitted by the Treasury for this purpose. It can change the estimates, modify them, increase or decrease them.

Mr. SIMMONS. Could they change the building which they authorize for that State to another town?

Mr. SWANSON. Another town in that State?

Mr. SIMMONS. Yes.

Mr. SWANSON. I think they could.

Mr. SIMMONS. And fix the cost of a building that was necessary and suitable for another town?

Mr. SWANSON. I think so.

Mr. SIMMONS. I am satisfied myself, unless there is some express language on the subject, that the Appropriations Committee would have only a negative right as to whether or not it would adopt a project. It might modify it; but when it turns down one proposition it can not select another site in that State or another place for the location of a public building.

Mr. SMITH. Mr. President, is it not the Senator's understanding, under the language of this amendment, that the committee can only act on the matter submitted to it, either to reject or to accept it?

Mr. SIMMONS. I think so.

Mr. SMITH. What power has it to name any other place, or to increase a specific appropriation or decrease it, or use any discretion as to whether or not the emergency declared by the Budget exists?

Mr. SIMMONS. Certainly, the committee could not do it unless the Secretary of the Treasury and the Budget committee make another recommendation covering another site and the cost of erecting the building at that other site.

Mr. SWANSON. The language is:

And unless the said act making appropriations for public buildings shall otherwise specifically provide, appropriations shall be made and expended by the Secretary of the Treasury in accordance with the estimates submitted by the Bureau of the Budget.

What does that mean? It means that if we simply make a lump-sum appropriation the money shall be expended according to the estimates, but it means that by special appropriations we can do otherwise.

Mr. SIMMONS. The Senator does not mean to say that the Appropriations Committee might throw aside all the estimates of the Treasury Department and the Budget and make a new public buildings bill. The Senator does not mean to say that.

Mr. SWANSON. I do, within the authorization of \$100,000,000.

Mr. SIMMONS. Then, if they can not do that, they can not change the sites as so recommended.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. SIMMONS. I yield.

Mr. CARAWAY. That is legislation, is it not?

Mr. SIMMONS. Why, of course it is legislation.

Mr. CARAWAY. And the rules prohibit the Appropriations Committee from legislating.

Mr. SIMMONS. Undoubtedly. The only power they have over it is the power of approval or rejection; that is all.

Mr. MAYFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. SIMMONS. I yield.

Mr. MAYFIELD. The Public Buildings Commission found that the exact and complete needs of the District of Columbia could be taken care of for \$50,000,000. Of course, emergencies exist in the District, and emergencies exist in every State in the Union; but what justice is there in taking care of 100 per cent of the needs of the District and taking care of only 32½ per cent of the needs of the States?

Mr. Wetmore testified before the House committee that it would take at least \$325,000,000 to take care of the needs of the various States, even at the old prices of material and labor; and yet, while authorizing only \$100,000,000 for the needs of the 48 States, which is taking care of only 32½ per cent of their needs, we authorize \$50,000,000 for the needs of the District, which takes care of 100 per cent of the needs of the District.

I have not any objection to taking care of 100 per cent of the needs of the District. That is all right; but if we are going to do that, why should we not take care of 100 per cent of the needs of the various States?

Mr. SIMMONS. The Senator from Texas has given a great deal of intelligent study to this matter, and has made one of the strongest speeches that I have heard in the Senate in many a day in opposition to it. I desire to ask him if he believes that the \$15,000,000 that is now authorized in this bill to be expended in any one year to take care of the needs outside of the District of Columbia will go much further than to take care of the annual development of the business of the Government?

Mr. MAYFIELD. I do not. Certainly I do not.

Mr. SIMMONS. We are over 10 years behind in the construction of public buildings in this country. We have not appropriated for that purpose since 1913, more than 10 years ago. During that period this country has experienced an unparalleled development in every line of business and of economic, industrial, and commercial activities. Great necessity for additional construction has been created for homes, for commerce, for industry, during that period of time; and to meet that condition individual capital in this country has been spending at the rate of billions of dollars a year during these 10 years, and has not yet caught up with the shortage of building in this country, either in homes or in industry.

Mr. JONES of New Mexico. Mr. President, as confirmatory of what the Senator has just been saying, I desire to call the Senator's attention to page 23 of the hearings before the House committee which had this bill under consideration. It is there stated that in 19 cities where there are public buildings now the buildings are inadequate, and in order to put them in condition to serve the public efficiently it will require in those 19 cities \$49,560,000. To make additions to the buildings already in existence in those 19 cities it will take \$49,560,000—

Mr. SMITH. Nearly one-half the appropriation.

Mr. JONES of New Mexico. Which shows the progress that the country has made, and the inadequacy of the bill under consideration to meet the exigencies of the occasion.

Mr. SIMMONS. Mr. President, the capital employed in this great construction work to meet these emergency requirements has not been cash withdrawn from the business; it has been done with borrowed money. This great building program has been financed largely through the utilization of credit wisely employed to supply the facilities needed for the economical and successful conduct of business. It was an investment which lent itself to economy in business. It was not extravagance; it was not waste, though the expenditure was heavy; it was the right sort of economy. There is a kind of economy that is rank waste, and there is a kind of economy that is beneficial and helpful.

That the Government of the United States has not been doing its duty during these years, and the result of that dereliction is conclusively established by the fact, admitted in this case, that it is now paying annually in rentals for the buildings which it must have in order to conduct the business of the country \$24,000,000. That is the amount of rental tolls imposed upon the United States Government by its failure to discharge its duty to erect public buildings as necessity requires, just as the business interests of the country have done. If they did not have the cash, then they did it upon a credit basis. That is the toll that we have paid. Now, what amount is \$24,000,000 the interest upon, calculated at the rate the Government would have to pay? I have not made the calculation, but I should imagine that it would be the interest upon at least \$750,000,000.



Mr. MAYFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Texas.

Mr. SIMMONS. Yes.

Mr. MAYFIELD. Since we are paying annually \$1,000,000 rental in the District and \$23,000,000 rental in the States, making a total of \$24,000,000 that we are paying annually, and in this bill we only authorize \$25,000,000 annually, then the truth of the matter is that we are only authorizing a million dollars a year for public buildings.

Mr. SIMMONS. Exactly; but the point I am making is that the rentals we are paying now are the interest, according to the Government rates, on at least \$750,000,000.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. SIMMONS. Yes.

Mr. LENROOT. The Senator must remember that a very large percentage of that \$24,000,000 is made up of light, heat, and janitor service outside the District of Columbia.

Mr. SIMMONS. Yes; and if the Government had its own buildings, it would probably not have to pay such high prices for those items. It is a part of the furnishing of the buildings which the Government rents, and the owners who rent to the Government these buildings see to it that they get ample profit upon the lights, janitor service, and everything of that sort, as well as upon the real estate which they lease to the Government.

Mr. LENROOT. I will say to the Senator that there are some instances—not many, I am glad to say, but there are some instances—where it has cost the Government more to run a public building, saying nothing of the capital investment, than it cost to rent private buildings.

Mr. SIMMONS. The logic of the Senator's statement would be that it is to the interest of the Government to rent its buildings instead of to own its buildings. I do not agree to that at all.

Mr. LENROOT. No; it all depends upon the necessity of the particular case.

Mr. SIMMONS. I think as a business proposition it is just as much to the interest of the Government to own the buildings in which to transact its business as it is to the interest of a private individual or corporation to own the buildings required for his or its business. More than that, I believe that if the Government owned its own buildings, instead of having them scattered all over the District of Columbia and outside of the District, the business of the Government would be done at very much less cost and upon a more economical and efficient basis.

Mr. CARAWAY. Mr. President, may I make a suggestion to the Senator?

Mr. SIMMONS. Yes.

Mr. CARAWAY. It is very much more to the interest of the Government to own its own buildings away from the District of Columbia, because necessarily the parties from whom it rents must add to the rental, if they are going to get an adequate return, the taxes paid, and the property goes off the tax list immediately if the Government owns its own buildings. The Government does not pay taxes on its buildings.

Mr. SIMMONS. Yes.

Mr. CARAWAY. That would be an item of economy. Of course, here in the District of Columbia the Government contributes to the general expenses of the District.

Mr. SIMMONS. Mr. President, the authorization of this \$15,000,000 is trifling with a big problem. It is trifling with a business emergency of the most urgent character. Why can we not meet this situation boldly and as a great and powerful and rich Nation ought to meet it? Why must we be tinkering with it in this petty, miserly way? Fifteen million dollars annually—not enough to keep up with the growing demands of the public business—is all this bill proposes, and why? Because this administration is under the urge of a penny-wise and pound-foolish policy.

It is said that if there is a larger appropriation than is provided for in this bill, there will be a deficit in the Treasury.

Mr. LENROOT. Mr. President, has not the policy of the administration been limited and determined by Congress itself in providing the revenues that may be spent?

Mr. SIMMONS. I am not particularly blaming the President for this matter. I am blaming Congress for being forced into or lending itself to the miserly theories of economy which have under this administration become a fad in pretense and which in application more frequently than otherwise result in waste instead of saving.

Mr. LENROOT. Should not the Congress provide the revenues if it is to encourage these expenditures?

Mr. SIMMONS. Yes; the Congress should, Mr. President, and that was the point I was going to make. It may be that we can not appropriate more than \$25,000,000 for public buildings in the District and outside of the District without impinging to some extent upon the surplus, and it may be that this and some other appropriations which may be made during this session of Congress will result in overreaching the revenues of the Government for 1927. I do not know about that. I am not discussing that. But I say that it is the duty of the Government to provide the means for the speedy erection of these buildings which it needs for the conduct of its business; that it should adopt the same policy with respect to that matter that private business in this country has adopted since the war, and we should meet the demands in something like an adequate way. That is what I am insisting. How shall we do it, if we can not do it within the limits of revenue now provided by our revenue legislation?

A proposition has recently been made to the Congress with reference to the German indebtedness to citizens of this Government, an indebtedness incurred by our enemy in arms during the war, an indebtedness for wrongs and injustice and cruelties perpetrated by the German Government against our citizens; yea, an indebtedness created in part by the cruel and ruthless assassination of the passengers and crew—men, women, and children—of the *Lusitania*. A proposition has been made to this Congress to raise the money with which to pay that indebtedness owing to American citizens by Germany, and the backbone of that proposition is that the United States Government shall issue \$250,000,000 of United States bonds and with that money of the taxpayers of this country pay off this German indebtedness to American citizens.

That to me monstrous proposition seems to have the approval of the administration. It is as rank a proposition for the issuing of Government bonds as was ever made to a people upon the face of the earth and, as I said, my understanding is that the administration approves that proposal. We are not too poor, our credit has not been too much strained, but that Mr. Coolidge—the economical Mr. Coolidge—and his Secretary of the Treasury, can approve a proposition to issue \$250,000,000 of bonds, to be paid for by the taxpayers of this country, with very little probability of ever getting much if any of it back from Germany.

I heard the Senator from Virginia [Mr. SWANSON], who is very thoroughly familiar with the Dawes plan, and all the methods of financing these particular propositions, say that there was no provision by which this Government would ever get back from Germany more than bare interest upon that \$250,000,000, and that that part of the plan would not begin to operate for some years to come.

Mr. President, if this Government can afford to issue bonds for such a purpose, surely it can when confronted with this accumulated and constantly growing shortage in housing room in which to transact its public business and escape the extravagant rental charges it is having to pay, can afford to pledge its credit and finance, if need be, an adequate building program to meet this urgent public emergency by the issuance of Government bonds.

Mr. President, it would take probably three or four hundred million dollars of bonds to erect such buildings as are now absolutely necessary for the transaction of the public business. But the Government would save in doing that. It would be a process not of extravagance but of economy. It is our public duty to do it. The reasons which impel it are as strong as any business reasons which can be addressed to the mind of Congress or of the administration. Why should we not do it?

Mr. President, we find our administration exceedingly liberal toward our allies in the war. We find them giving up millions of the people's money because our allies are in distress and unable, it is claimed, to meet their obligations to us, to help them get upon their feet, to help them put their fiscal affairs upon business principles, but we balk at the suggestion of a few hundred million dollars to put our business upon a basis of economy, businesslike efficiency.

We give our allies 62 years in which to pay their indebtedness, but we are so anxious to get rid of our public debts here in this country that the Secretary of the Treasury will hear nothing except that we shall pay our debts in 20 years.

The emergency, according to the mind of the Secretary of the Treasury, is so great that every consideration must yield to the necessity of this speedy paying off the national debt.

I want to have our national debt paid off, but I do not want to have it paid off so fast that we can not in the meantime do those things which good sense, good reason, and good business policy require that we should do. I would rather the debt should remain a little bit longer, and if necessary be increased, in order that we may get the money with which to do now and



not 10 or 20 years hence what ought to be done as a matter of ordinary economy in the immediate construction of necessary public buildings.

By this bill we are to appropriate \$15,000,000 for the next six years, just enough to meet probably the business expansion of the Government during that time. Six years will take us to 1932, and it will have been nearly 20 years since we really appropriated any money to catch up with the buildings which ought to have been constructed during the period between 1913 and this time. It is postponing the catching up, the meeting of a manifest business requirement, to the detriment of economy and efficiency in Government, for six years longer, and all under the false plea of economy.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from North Carolina yield to the Senator from New York?

Mr. SIMMONS. I yield.

Mr. COPELAND. Is it not remarkable that the Secretary of the Treasury has been such a poor guesser regarding the receipts under the income tax law?

Mr. SIMMONS. Yes. He is not going to have a deficit; he is going to have a surplus.

Mr. COPELAND. Does not the Senator consider that a very remarkable situation, that the Secretary of the Treasury has so utterly failed to prophesy what the conditions will be?

Mr. SIMMONS. The Secretary of the Treasury, when we were preparing the last revenue bill, was exceedingly apprehensive that there would not be enough money to meet the requirements for the fiscal year 1926, and he thought there would be a deficit. The estimates he presented showed that there would probably be a deficit. Yet during the first six months of the operation of the new law the Treasury Department found that the amount realized was \$100,000,000 in excess of the estimate.

Mr. COPELAND. Does the Senator recall the great apprehension of the Secretary of the Treasury as to what would happen if we passed the bonus bill, how the country would go to the demnation bow wows?

Mr. SIMMONS. I remember very distinctly that when the Secretary made his estimates in 1924 he said we could reduce the debt somewhere about \$325,000,000, provided we did not pass the bonus bill. He said that if we passed the bonus bill we could not make any reduction at all. We passed the bonus bill, and we made the reductions, and two years after that we had a bigger surplus than we had before.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. LENROOT. Might I suggest that the reason for that is that there was even greater prosperity under a Republican administration than Mr. Mellon anticipated?

Mr. SIMMONS. Mr. President, if we take the bank failures in this country and some other indexes of the business situation, we will see that while there is "prosperity" in certain Government by favored lines of business; there is hard luck and distress in other lines of business.

I recognize the fact that under a high protective tariff, aided by trust combinations, enabling the beneficiaries of Government privileges to fix the prices of their products as high as they please, just so they keep within the limits of the sky-high tariff wall, they have been prosperous.

The Secretary of the Treasury knew of that prosperity, whatever it was, when he was making his estimates, as well as he knows it now. But while that part of our population which fixes its own prices has prospered, and always will prosper as long as the other part of the population is able to meet their demands and pay their prices, that process is, with relentless fate, impoverishing 40 to 45 per cent of our less fortunate population. Forty per cent of the population of this country, represented by agriculture, is not prosperous. Agriculture is almost on its bended knees to the Congress and to the administration to-day begging for succor from a condition of bankruptcy and ruin which confronts them.

The standard of prices for what they make to sell is not the boasted American standard. And theirs is not the boasted American standard of living—such as the Republicans so loudly demand for those its legislation is designed to favor and foster. They can not combine here. They can not do those things which the industries may do in order to sustain their profits and to create an artificial market here in the United States, an artificial market such as never was before created in the world, applying to their products, but not applying to agricultural products. The farmers are in distress. They are not making money. They are not prospering because, Mr. President, they not only have to pay for everything that they do not produce the high artificial prices of tariff and trust com-

bination cooperating and coordinating the one with the other, but they get the world prices against which those industries protect themselves. They have to meet the higher costs of labor production of what they make to sell and highly artificial prices for the things which they do not produce, but have to buy.

There is no balanced prosperity in the country. If there is an artificial prosperity such as Senators on the other side of the Chamber boast about, then I say to them that it is a prosperity that is fraught with danger. It is a prosperity which rests upon the basis of one-half of the population upon a high level of price and profit while the other half is upon the basis of abnormally low level of price and profit. It may continue for a while, but it can not endure for long without disastrous consequences. If this condition is not speedily remedied it will mean not only bankruptcy and ruin to that unfortunate part of our people who can not and does not participate in these profits, in these benefits, in these bounties, and in these subsidies.

Mr. CARAWAY. Mr. President, may I suggest to the Senator that while there may be some talk about this prosperity, Doheny said that he found prosperity under the Republican administration which caused him to become a Republican.

Mr. SIMMONS. I do not doubt that. All the men who are like him in exploiting the people of the country not only found protection under the wing of the Republican party, but they found prosperity.

Mr. CARAWAY. Yes; protection and prosperity.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. LENROOT. Was not the greatest blow that agriculture ever received in the history of the United States received under the last Democratic administration?

Mr. SIMMONS. No; under the last Democratic administration agriculture in this country was more profitable than it had been in any like period of our history. I speak from knowledge in my section of the country. I say that during the Wilson administration there was the greatest average of prosperity that had ever existed among the farmers in any similar period of years in our history.

Mr. LENROOT. Does the Senator remember what happened to agriculture in the latter part of 1920?

Mr. SIMMONS. Yes; I remember. That was a governmental action which resulted disastrously to the farmer undoubtedly and disastrously to some other people as well as the farmer. I am not minimizing that condition. I condemn that with as much indignation and vigor as the Senator from Wisconsin can condemn it. I suffered myself many thousands of dollars as the result of it in my own farming operations.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. SIMMONS. Certainly.

Mr. KING. I may say to the Senator from Wisconsin that at the time he mentions the Republicans were in control of the legislative branch.

Mr. LENROOT. We did not control the Federal Reserve Board, which was responsible wholly for the action that was taken.

Mr. CARAWAY. And everyone of the Senator's colleagues voted for Mr. Harding.

Mr. SIMMONS. I have no doubt that at the time the order was made the governor of the Federal Reserve Board, Mr. Harding, was one of the rankest Republican sympathizers in the country.

Mr. CARAWAY. He was more than a sympathizer.

Mr. SMOOT. But the Senator from North Carolina recommended him for appointment, did he not?

Mr. SIMMONS. No. A man can change after getting an appointment, especially when he thinks that a quick change will mean a continuance in his job.

Mr. SMOOT. The Senator was responsible for his appointment.

Mr. SIMMONS. No; I was not responsible.

Mr. SMOOT. Oh, now, Senator!

Mr. SIMMONS. He was appointed by Mr. Wilson, no doubt.

Mr. SMOOT. Upon the recommendation of the Senator from North Carolina.

Mr. SIMMONS. Oh, I think not. But before he committed this crime he had fallen under Republican influences and had himself become a Republican.

Mr. SMOOT. The whole board was Democratic. All of them fell under the same influence.

Mr. SIMMONS. A wit down in my State once said that when a North Carolina Democrat had committed some mean act he at once joined the Republican Party.



But, Mr. President, I have gotten away from the subject which I undertook to discuss.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. SIMMONS. I yield.

Mr. McKELLAR. The Senator was asked by the Senator from Wisconsin [Mr. LENROOT] if the price of farm products was not lower during the Democratic administration. I want to ask the Senator if it is not true that farm products, taken as a whole, and taking the entire period of the Wilson administration of eight years, had a higher average than during any other eight years in the history of the country?

Mr. SMOOT. Oh, but the war was on then. The war made the high prices.

Mr. McKELLAR. It does not make any difference. We had a war, it is true, but without regard to the war, during the eight years of the Wilson administration farm products were higher in price than during any other eight years in the history of the country.

Mr. SMOOT. Outside of the war period, the Senator is entirely mistaken. The fact that there was a war saved the Democratic Party.

Mr. CARAWAY. If the Senator from Utah has his way, there will be a war among the farmers in the Northwest this year.

Mr. SMOOT. The Senator is speaking for me, but I would rather speak for myself.

Mr. CARAWAY. The Senator does not do it so well.

Mr. SMOOT. I could not satisfy the Senator, but I know what my position is better than he knows it.

Mr. CARAWAY. When it comes to giving away our money, the Senator knows our position perhaps better than I do; but we are talking about the farmers now, and the Senator does not know so much about them.

Mr. SMOOT. I know just as much about a farmer and will go just as far in the matter of legislation that will be of real benefit to the farmers.

Mr. CARAWAY. Then the Senator has had a wonderful change of heart.

Mr. SMOOT. The Senator from Arkansas does not know how changes come over me.

Mr. SIMMONS. The Senator from Arkansas does not know the Senator from Utah. He does not know how he can change his position as election approaches.

Mr. SMOOT. I have known the Senator from North Carolina to do that so often that I may have followed his example, if I made any change at all.

Mr. SIMMONS. Mr. President, I did not rise for the purpose and nothing was further from my mind than to get into this kind of discussion. True, however, my fundamental objection to the public buildings bill as proposed by the majority party has been its utter inadequacy in dealing with this great and important problem of government and business. I have been opposed to the bill upon that fundamental ground. But I have not seen any disposition on the part of the majority party to do anything to relieve the situation. They still insist upon treating it with homeopathic remedies, and I suppose we might as well make up our minds to the fact that that is all the money we are going to get for this purpose at this time. Therefore I have been disposed, and am disposed now, to get the bill, if possible, in such form that I can support it, although it is trifling in the amount which it appropriates. Such a policy is, as I before said, not economy; it is waste. That is the character of most of the economy stuff we hear emanating from certain high sources in the Government—petty, trifling economy, which means waste.

Mr. CARAWAY. The Senator from North Carolina has no doubt noted with what liberality the Senator from Utah will give our money to a foreigner and how niggardly he is when we come to deal with our own people.

Mr. SIMMONS. That is just what I said a little while ago.

Mr. CARAWAY. It will bear saying twice.

Mr. SIMMONS. It will bear saying a dozen times.

Mr. CARAWAY. In other words, the Senator from Utah will give all of our money to the foreigner, but none to the American farmer.

Mr. SMOOT. The Senator from Utah will collect every dollar he can and not throw all of it away. Every dollar that can be collected the Senator from Utah is perfectly willing to collect, but he is not willing to take the position that he will not collect anything.

Mr. CARAWAY. If that is all the Senator could collect, he could never make a living as a collection agent.

Mr. SIMMONS. I want to point out one trouble about the bill as it exists. Notwithstanding what the diligent and alert Senator from Virginia [Mr. SWANSON] said about it, I think

we are by this compromise amendment simply appropriating for the construction of buildings in a few States in this country. It has been said that Mr. Wetmore, the Supervising Architect, had reported that there was an emergency in 27 States which had absorbed the building fund and leaves nothing for the other States. That is bad enough, but the bill is so framed that it can be made, if somebody desires to make it, infinitely worse. If this distribution according to population and area and postal receipts is to be made only in States where an emergency is proclaimed, is it not apparent to Senators that if it is desired to confine the construction of public buildings to a few great cities in the country such as New York, Boston, Philadelphia, Chicago, Richmond, Cleveland, Detroit, and so on, picking out half a dozen big States in the Union that require a very large sum of money in order to buy sites and construct adequate public buildings, and by approving and recommending those dozen or more States where these great cities are situated as emergency cases and confining the finding of a necessity as required by this amendment to those States, then this pro rata division would take place only between those few States and not between 27 States.

There is a persistent rumor and suspicion that there is a scheme already formulated or in process of incubation to use the larger part of this building fund in the big cities of the country. Have we not in this bill made smooth and easy the way by which this may be accomplished?

The only thing necessary to accomplish this result would be to declare an emergency for expensive buildings in those States in which these great cities are located and the distribution of the fund would be on the basis of that great population, area, and receipts. I do not say that that would happen, but why should we deliberately enact legislation which opens the doors to such a possibility? Ordinarily we put up the bars pretty well. Ordinarily we provide in bills of this character against any such undesirable and unfair consequences as that, why fail to do it in this bill?

There is one provision to which I called attention earlier in the day that allows the Secretary of the Treasury to decide definitely that a site here in Washington, for instance, or anywhere else in the United States is not thought by the Secretary of the Treasury to be a proper site for a public building, or that an existing building is not suitable for the transaction of the Government's business, or that the town has grown away from it, and the public convenience would be served if it were located at another point; we give the Secretary the right arbitrarily to do what? To sell both site and building at a price and upon terms fixed by himself, without Congress retaining any control whatever either as to price or terms. He may give a deed for the property and put the money into the Treasury. We are trying by this compromise amendment to exercise some control over the action of the Secretary of the Treasury with reference to the purchase of new sites and erection of new buildings. Why, when we do that, do we give him arbitrary and unlimited power to relocate a building in a city, to sell the site, to sell the building, and to erect another public building somewhere else, without any provision by which Congress can restrain his arbitrary will?

It seems to me that that suggestion should address itself to the Senator in charge of this bill and to other members of the committee; but they do not seem to have any apprehension about it at all. I think it is a dangerous power to commit without restrictions to any person. There are one or more cities in my own State to-day in which it is claimed that the Government building there is not desirably located; perhaps the sites have become too valuable for the purpose to which they are devoted and so on. In such a case, to say to the Secretary of the Treasury you may sell that building and that site and fix the price, fix the terms of the sale, and put the money into the Treasury, and that is the end of it, is conferring on him too great a power. There is not even a provision for a public sale or for competitive bids.

Why this looseness? Does it characterize the legislation of this body as a rule? Have we ever been so reckless in investing one individual with supreme power over things of the greatest consequence and importance and value as was provided in the pending bill before it was amended? There is nothing like it in the history of legislation in this country; and, Mr. President, if it had not been checked, it would have been another of those dangerous inroads that are being made upon the balance of power which the forefathers thought so important between the three coordinate branches of the Government.

There was nothing that they guarded with such jealousy, there was nothing that they framed with such care and foresight, as the partitioning of the powers of Government between the three great coordinate branches of the Government. There



was nothing of which they were so jealous as the possibility of one of those branches invading and infringing upon the functions and powers of another.

Mr. President, I remember the time in the Senate when there was a severe condemnation of the principle of lump-sum appropriations. For many years they were permitted in the departments until they became a great abuse. Undue power was vested in bureaus and departments of the executive branch, and we had to change the system. We did change it, and we required specific appropriations.

Then, Mr. President, in river and harbor legislation up to the time of the World War we were always very particular that Congress should keep in its control the funds appropriated for river and harbor improvements for the purpose of having them distributed equitably among the people of this country through their Representatives in Congress and in order to enable the people to say something about where the river and harbor work should be inaugurated and how much should be expended upon it.

The war came on and since then we have been appropriating in lump sums \$50,000,000 a year for river and harbor work. Senators may say that thereby we got away from the old "pork-barrel" system. Mr. President, we may have gotten away from the old "pork-barrel" method, but I tell the Senate, that as the result of my own investigation, I think that money has not been spent as wisely and as judiciously, as equitably, and as effectively as it would have been under the old method.

Under the pretext of abolishing the so-called "pork-barrel" system what did we do? We immeasurably strengthened the influence of the War Department or that division of the War Department which has charge of river and harbor improvements. We diminished immensely the power and influence of a Representative in Congress over these improvement projects. Now we propose to do the same thing in connection with public buildings. The Secretary of the Treasury—and that is what it means, for the little interference on the part of the Postmaster General does not amount to a row of pins—is to have placed in his hands \$165,000,000, to be spent just as he sees fit, and he is to pay such prices as he may see fit to pay. Some Senators say that such a plan is more in the interest of the people of the country than to allow the Representatives of the people to determine how the money shall be spent, where a post-office building shall be erected, and how much money shall be paid for it.

Mr. President, if we had granted the unlimited power as proposed in the bill as it came from the majority of the committee, we would have transferred to the Treasury Department one of the most powerful and valued functions of legislation. The power of the purse is the power that controls. Whenever Congress shall surrender its control over the purse strings of the Government, then Congress will have surrendered to whatever department it transfers that control and power a legislative function, and it will strengthen that branch of our Government greatly to the injury and discredit of the legislative branch of the Government.

As Senators know, the people have fallen into the habit of speaking lightly of the Senate and lightly of the House of Representatives and referring in laudatory terms of the Executive and the forces that surround him. The cause for the decline of Congress in public esteem and confidence is very largely due to our constant yielding to the Executive department and our constant surrender to it power and functions distinctly belonging to Congress. The people ought to have contempt for us if we have not the strength and the power and the resource to hold on to those great and important and essential functions and powers which the framers of our system of government reposed in our hands. When we show ourselves unfit and unworthy of the confidence that has thus been reposed in us, the people very naturally feel contempt for us; they feel that we have become by our own volition and voluntary act subservient to the will of the Executive department and thus betray the people we represent and trample under the Constitution.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. SIMMONS. I yield the floor.

Mr. REED of Missouri. I merely wanted to make a suggestion. The Senator referred to the brake that might be placed on the expenditure of this money by the discretion that might be exercised by a Postmaster General, the final decision to be in the hands of the Secretary of the Treasury. I merely wanted to call attention to the fact—and I mean no personal reference to the present Postmaster General—that if left to a

Postmaster General it is generally left to a "lame duck" who is no longer able to hold a seat and to have a voice in the Congress of the United States; and if left to a Secretary of the Treasury it is generally left to a man who could not be elected to any office in any township of the United States. So when we yield the discretion of Congress as a body to these individuals we have a somewhat startling proposition put before us. I did not mean to interrupt the Senator from North Carolina.

Mr. SIMMONS. I thank the Senator for the elaboration of the thought that was in my mind.

#### JUDICIAL SALARIES

Mr. REED of Missouri. Mr. President, I wish to ask unanimous consent for the consideration of the so-called judges' salary bill. We have heretofore had the bill under consideration in the Senate; it has been amended, as I explained the other day, and I wish now to ask the chairman of the Committee on Public Buildings and Grounds, who is in charge of the unfinished business, to allow me to ask for the consideration of the judges' salary bill.

Mr. FERNALD. Mr. President, I shall have to object. The unfinished business has been before the Senate for three weeks, and I have yielded for the consideration of a number of measures, including on one occasion the bill to which the Senator from Missouri refers, with the understanding that it could be disposed of during that afternoon. I am certain that the consideration of the judges' salary bill will occupy considerable time.

Mr. REED of Missouri. I do not think it will take five minutes.

Mr. FERNALD. I fear it will probably take as much time as will be required to dispose of the unfinished business.

Mr. REED of Missouri. I do not think that it will take more than a few moments. If it shall, I will withdraw the request.

Mr. FERNALD. If it may be passed in 15 minutes, I will ask unanimous consent that the public buildings bill may be laid aside for that length of time in order that the judges' salary bill may be considered.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I suggest that the Senator say not more than 15 minutes.

Mr. FERNALD. I will say, then, not more than 15 minutes.

Mr. REED of Missouri. Mr. President, I have explained this bill. The salaries have been reduced to the amounts that the House committee has recommended, very much lower than the bill that was reported by the Judiciary Committee; and the reduction has been made because the understanding is that otherwise it would be difficult to secure the enactment of the bill by the House at this session of Congress. It fixes the salaries of the district judges at \$10,000 a year. They ought to have \$15,000. It fixes the salaries of the circuit judges—who are now practically the judges of the courts of last resort in this country, because of the recent change in our law—at \$12,500 a year; the salaries of the Associate Justices of the Supreme Court at \$20,000; and the salary of the Chief Justice of the United States at \$20,500. The bill has been discussed here by those who have been opposed to it, and I think all opposition is withdrawn upon the whole bill.

Mr. KING. Mr. President, I shall feel constrained to call for a quorum. I know that the Senator from Idaho [Mr. BORAH] is opposed to the bill, and I think he ought to be here.

Mr. REED of Missouri. I do not think he is opposed to this bill.

Mr. KING. I think he is.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

|           |                |            |           |
|-----------|----------------|------------|-----------|
| Ashurst   | Ferris         | McKellar   | Simmons   |
| Bingham   | Fess           | McMaster   | Smith     |
| Blease    | Frazier        | McNary     | Smoot     |
| Borah     | George         | Mayfield   | Stanfield |
| Bratton   | Goff           | Means      | Steck     |
| Broussard | Gooding        | Metcalf    | Stephens  |
| Bruce     | Hale           | Moses      | Swanson   |
| Butler    | Harrell        | Neely      | Trammell  |
| Cameron   | Harris         | Norris     | Tyson     |
| Caraway   | Harrison       | Nye        | Walsh     |
| Copeland  | Heflin         | Overman    | Warren    |
| Couzens   | Johnson        | Phipps     | Watson    |
| Curtis    | Jones, N. Mex. | Reed, Mo.  | Wheeler   |
| Deneen    | Jones, Wash.   | Reed, Pa.  | Williams  |
| Dill      | Keyes          | Sackett    | Willis    |
| Edwards   | King           | Sheppard   |           |
| Ernst     | La Follette    | Shipstead  |           |
| Fernald   | Lenroot        | Shortridge |           |

The VICE PRESIDENT. Sixty-nine Senators having answered to their names, a quorum is present. Is there objection to the request of the Senator from Missouri [Mr. REED]?

Mr. KING. Let the request be stated.

The VICE PRESIDENT. The request is that 15 minutes be taken from the consideration of the public buildings bill and devoted to Senate bill 2858.

Mr. KING. I have no objection to devoting the residue of the 15 minutes to the consideration of this bill.

The VICE PRESIDENT. The quorum call does not come out of the 15 minutes.

Mr. KING. I object to the passage of the bill, and have some observations to make, and I hope others will have observations to make in opposition to it. I will say to the Senator that it can not be passed in 15 minutes.

The VICE PRESIDENT. Is there objection?

Mr. REED of Missouri. Mr. President, I had hoped that everybody would be content with this modified bill. Under the circumstances, if the bill is going to provoke discussion, I can not ask the Senator in charge of the public buildings bill to lay it aside. I will, therefore, withdraw my request.

Mr. FERNALD. I thank the Senator.

Mr. REED of Missouri. I give notice, however, that as soon as the public buildings bill is disposed of I shall move to proceed to the consideration of this bill.

Mr. WATSON. I must object to that. That is not the program.

Mr. SMOOT. The Senator can give notice.

Mr. WATSON. Oh, of course, he can give notice. I have no objection to the Senator giving notice.

#### PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

Mr. COPELAND. Mr. President, may I ask the Senator from Maine, in charge of the public buildings bill, whether an improvement of the Capitol Building would be included in the purposes of his bill?

Mr. FERNALD. The Capitol and the immediately adjacent public buildings are in charge of the Architect of the Capitol, as I understand.

Mr. SMOOT. Does the Senator refer to the administration of them?

Mr. COPELAND. No. Suppose it were proposed to remodel this building and put it in contact with the outside world, as it ought to be. Would that be done with funds raised under this bill?

Mr. FERNALD. No.

Mr. SMOOT. It would not. That would have to have a direct appropriation.

Mr. COPELAND. By what committee would it be considered?

Mr. SMOOT. The Appropriations Committee; and the only other appropriation bill that is coming through the House and the Senate for the present year is the second deficiency appropriation bill.

Mr. COPELAND. Suppose I were to present a bill to remodel this Chamber?

Mr. SMOOT. In order that a point of order would not lie against it the Senator would have to get an estimate from the Budget for the amount.

Mr. COPELAND. To what committee would the bill be referred?

Mr. SMOOT. It would go to the Appropriations Committee.

Mr. COPELAND. Not to the Committee on Rules?

Mr. SMOOT. Oh, no.

Mr. COPELAND. It is my purpose some time soon to present such a bill, according to the plans which were drawn last year by Carrere & Hastings. I think it is a shame to see men in this Chamber sicken and suffer as they do.

Mr. SMOOT. Why say a shame? Why does not the Senator say a crime?

Mr. COPELAND. All right; I will say a crime. For once I am in full agreement with the Senator from Utah on a matter of health. Ordinarily he just laughs when I talk about health; but I think it is a crime the way Senators have suffered this winter.

Mr. SMOOT. I am feeling it myself.

Mr. COPELAND. I hope the Senator will suffer just enough so that he will vote for the bill when I present it.

Mr. SMOOT. Mr. President, we have had up for 20 years, to my knowledge, the question of fixing up this Chamber. I think the time has arrived when we ought to do it and not talk about it any more.

Mr. REED of Missouri. Let us add it to this bill.

Mr. SMOOT. If the Senator will introduce a bill and have it go to one of the committees and have the committee report it out, then, of course, we can put it on a bill on the floor of the Senate.

Mr. COPELAND. Out of order, may I present such a bill now?

Mr. FERNALD. No; not now.

Mr. President, before my amendment is acted upon, referring to the section on page 3, line 12, after the word "States," I move to strike out the next two and a half lines:

and in case appropriations for projects are made in part only, to enter into contracts for the completion in full of each of said projects.

Mr. JONES of New Mexico. What is the amendment?

The VICE PRESIDENT. On page 3, line 12, to strike out all after the word "States" through the word "projects" in line 14. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FERNALD. Then on page 7 there is an amendment that has been passed over.

The CHIEF CLERK. The committee amendment on page 7 was passed over on the request of the senior Senator from Mississippi [Mr. HARRISON]. In line 22, after the word "annually," it is proposed to insert a colon and the words:

*Provided further,* That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of \$5,000,000 annually in any one of the States, Territories, or possessions of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the amendment offered by the Senator from Maine on behalf of the committee.

The CHIEF CLERK. On page 7, line 7, it is proposed to strike out the period and insert in lieu thereof a comma and the following:

which shall include a statement of the location of the buildings proposed to be erected, together with a limit of cost for the same: *Provided,* That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts: *Provided further,* That unless specifically authorized in the act making appropriations for public buildings, no contract for the construction, enlarging, remodeling, or extension of any building or for the purchase of land authorized by this act shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said act making appropriations for public buildings shall otherwise specifically provide, appropriations shall be made and expended by the Secretary of the Treasury in accordance with the estimates submitted by the Bureau of the Budget: *Provided further,* That the foregoing proviso shall not apply to buildings or their modification heretofore provided for by act of Congress.

Following the word "Congress," and before the period, the Senator from New Mexico [Mr. JONES] offers the following proviso:

: *Provided further,* That at least one building shall be constructed or commenced annually in each State having a post office with receipts of more than \$10,000 during the last preceding year, for which no public building has been provided.

Mr. FERNALD. Mr. President, I can not accept that amendment to the amendment. This is an emergency bill. Public buildings are to be erected in States where it is necessary to have them, and it may be that it will be necessary in every State. They could not be built in one year, anyway, because with the \$15,000,000 to be expended, it is not possible to build where the authorization has already been made. It would be unworkable, unfair, and impossible. I must resist this amendment to the amendment.

Mr. JONES of New Mexico. Mr. President, so far as providing for emergencies is concerned, this bill will not provide for all the emergencies in any event. Just a while ago I called attention to the fact that emergencies exist in 19 cities now which have public buildings, and where they want substantially \$50,000,000 more to make additions to the buildings which they have now.

It is also estimated that 140 other cities with no buildings have emergencies. They want buildings. Many others, in addition to those 19 cities, want additions to buildings.



I submit that there is not a State in this Union where the people of the State do not feel that there is an emergency in the State. Take my own State, broad geographically, with a sparse population. We have communities there which are interested in a public building, and there is not the slightest intimation that they will ever get a building under this bill, with the exception of my home town, for which a building was authorized in 1913.

What about the other small cities, which are developing and growing? They are pleading for public buildings. I have introduced bills, I think, for five or six different cities in the State. Under this bill not one of them will have a ghost of a chance to get a building. So, by consenting to this bill, I would be practically saying that in my State for five years there should not be another public building. I do not think that is right. I am told that under the estimates given in the House hearings there are 22 States not even thought of by the Treasury Department in this whole program. Is that right?

I just heard the remark made that the best thing to do is to kill this bill and get a decent bill. I do not want to do that. I want to meet Senators halfway, but I do want to make an appeal for the 22 States which are not in the minds of the Treasury Department now. Out of this \$100,000,000 why should they not have something? They think emergencies exist within their borders.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I yield.

Mr. WALSH. Has the Senator a list of those States?

Mr. JONES of New Mexico. They were listed here the other day. I suppose the chairman of the committee could conveniently refer to them; but a list of those where it is expected to use this money was given and put into the RECORD.

Mr. WALSH. I saw the list of those referred to by the department in the testimony. That gives the names of places in which buildings are to be constructed. I wanted to know if a list of those States in which no buildings are to be constructed is available.

Mr. JONES of New Mexico. It was brought out in the debate here the other day. The names of the places were given. Mr. Wetmore, of the Treasury Department, went before the committee of the House and was asked if they had made up a list of the cities where they expected to use this \$100,000,000. He said they had. That list showed that those buildings would require something over \$119,000,000, and that list left out 22 States of the Union. The junior Senator from Texas [Mr. MAYFIELD] discussed this matter at great length the other day in a very able way, and that point clearly appeared. That is just the situation.

Mr. President, I do not know what the disposition of Senators may be. If they can impose this matter upon the smaller States, I suppose we shall have to bear it; but I want to ask them whether in all fairness they think it is proper. There is not a State in the Union that should not have at least one building a year. The country is growing. The people are demanding these facilities, and this Federal Government of ours wants to be doing something for the States, wants to make itself felt in them, wants its citizens to feel that the Federal Government is looking after the necessities of the situation.

It is true that in some of the States the congestion may not be so great as in others; but I submit there is an emergency in each State of the Union.

Mr. FERNALD. Mr. President, I think I can accept his amendment, if the Senator will agree to a slight change in it; at least, we can let it go to conference. I can not see anything very bad about it. I suggest that where it says "shall be constructed or commenced" he make it read "shall be estimated." Use the word "estimated."

Mr. JONES of New Mexico. I accept the suggestion of the chairman of the committee as quite proper. I think that is the way it ought to be done.

Mr. FERNALD. I think that is proper. I appreciate the great interest the Senator has shown.

Mr. JONES of New Mexico. I change my amendment accordingly.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. TRAMMELL. Mr. President, I would like to ask the Senator from New Mexico if this estimate is to be made for each year.

Mr. JONES of New Mexico. For each year.

Mr. TRAMMELL. In other words, the Senator contemplates that in every State, during the life of this appropriation, there shall be at least four new buildings commenced?

Mr. JONES of New Mexico. During the life of the bill?

Mr. TRAMMELL. Yes.

Mr. JONES of New Mexico. Once a year for four years.

Mr. TRAMMELL. That means that there shall be four new buildings commenced in every State?

Mr. JONES of New Mexico. Yes; not less than that number.

Mr. TRAMMELL. And the only prerequisite is for the post office to have receipts of at least \$10,000?

Mr. JONES of New Mexico. Yes.

Mr. TRAMMELL. Mr. President, of course I would like to see all the States represented, but it does seem to me that in some States there will be a great many towns of two or three or five thousand population with post offices, and in many other States there will be cities of fifteen or twenty thousand population without post-office buildings.

Mr. FERNALD. Mr. President, under the original amendment offered by the Senator from New Mexico that would have been possible, but under the amendment as modified nothing of that kind could happen. Under the original amendment, if a site were in a small town and there was an emergency in the same State in a much larger town, the Government could not build where the emergency existed until they had built in the other town. I think that is cleared up very well by the modification.

Mr. TRAMMELL. Mr. President, I desire to make a few remarks before this amendment is voted on.

I think that Senators, generally speaking, can not determine the effect of the plan for the selection of sites under this amendment. It provides that the selection shall be based upon the receipts of post offices, upon the land area, and upon the population of the State. I suppose the purpose and object is to have the States treated alike, to take the State as the unit, regardless of the needs and demands of the Government business in the States generally.

Senators may talk about the old "pork-barrel" methods of selecting sites and designating sites. The only difference is that under this amendment you merely change the policy of the "pork-barrel" system. That is all you are doing. You are selecting the State as the unit, instead of, as heretofore, passing upon the towns and the cities respectively. You say now that we are going to distribute this so as to satisfy and please our constituents back home, and we select the State as the unit, instead of trying to pass upon the merits of cities and towns, respectively, in the States.

I do not agree with that idea. I do not believe the matter can properly be placed upon a basis where the State is the unit, so that it will work fairly and equitably for all of the cities and towns in the Union. Doubtless Senators will support this amendment, thinking that their States will get as much as or more than other States, but when it is worked out in actual operation it will be ascertained that they perhaps will be mistaken and their States will not receive as much as they have hoped.

In the State of Florida, of course, we have had a very marvelous growth and development, and prior to 13 years ago, when the Government discontinued making appropriations for particular towns and cities, in my State we had not received appropriations for public buildings commensurate with the appropriations that had gone to the cities and towns of many of the other States, many of the older States in the Union. Even 13 years ago we had a good many towns and cities in the State with four or five thousand population that had no Government buildings, and when I have traveled through older States of the Union I often found Government buildings in towns of 2,500 and 3,000 population.

Even in 1913 in the State of Florida we were behind in the appropriations for buildings based upon the question of the size of the towns and the receipts of the post offices, respectively. That discrimination has become more glaring and very materially accentuated during an era of 10 years of unprecedented prosperity in Florida. Yet if we are to base the proposition upon population in a State where population has doubled in the last six or seven years, and where there has been an increase of 30 or 40 per cent in the last two or three years, of course, we should go back to the census of some three years ago. I do not know whether the bill provides for the application of the last Federal census or the last State census, but if it provides that we shall go back to the last Federal census to be based upon a population in the State of Florida of something like 900,000, when to-day, as a matter of fact, we have probably 1,600,000 or 1,800,000 population, it would be wholly unfair.

Then when we come to the question of area in the State, that is a wonderful basis for the distribution of funds for the



purpose of public buildings for public needs. Of course, when we are dealing with the good-roads situation, then we are considering a system of highways. Highways cover all the land and extend from place to place, but Government post offices are not analogous to the matter of public highways. The Government buildings should be erected for the purpose of taking care of Government business. Private individuals erect buildings to take care of business in a particular locality. A private concern that had operations in 15 or 20 States in the Union would take care of the needs of the respective localities and where the needs demanded a new building that new building would be furnished. They would not erect a new building in a town of 2,500 or 3,000 population where they were getting along very well, and neglect another city of 15,000 or 20,000 population where the business was six or eight times what it was in a smaller place. The amendment contemplates such an arrangement as that.

In my State we have some buildings that have been estimated for. The city of Jacksonville was estimated for in 1922, I believe. There is a great emergency there and we presumed that under the estimate of the architect we would get a building in Jacksonville. We ought to have one there. The business has far outgrown the capacity of the building which was put up there some 25 or 30 years ago. Then there is the city of Tampa where there is almost as urgent demand for a Government building, a city that doubled its population in the last four years, a city that had the greatest percentage increase in postal receipts, I think, of any city in the whole United States during the past year. There is the city of Miami, where the congestion is almost beyond comprehension unless one has been there to see it. At Palm Beach, with 20,000 population, there is no Government building. At Clearwater, a town of 15,000 or 17,000, there is no public building. At Daytona Beach, with 15,000 population, there is no Government building. At Fort Myers, with about 12,000 to 14,000 population, there is no Government building.

If we are to pass upon the question of emergency, and not of post-office receipts and a few things like that, of course, we would naturally get a number of buildings in our State. We can not expect, under the appropriation proposed, to get a building for all of those places. But under the provision that is proposed to be adopted in the bill, based upon the distribution estimated at about the same proportion as the good-roads appropriation, what would Florida get? Florida, out of \$75,000,000 appropriated for the good roads department, gets a little over \$1,000,000. Based upon that plan we would get in the State of Florida \$1,400,000 or \$1,500,000 for public buildings, which would be absolutely absurd and ridiculous, considering the needs and demands of the State and considering the growth and increase in post-office receipts and the prospect of future needs and demands.

Mr. FESS. Mr. President, will the Senator yield?

Mr. TRAMMELL. I yield.

Mr. FESS. The amendment that is proposed is based upon postal receipts.

Mr. TRAMMELL. That is only one element of the consideration. That represents one-third of the proposition.

Mr. FESS. That is one of the items. Area and post-office receipts are very easily ascertained. The only objection the Senator had, I understood, was to the question of determining the population, because of not knowing which census would be taken.

Mr. TRAMMELL. That is one element, of course.

Mr. FESS. Two of the elements are certain.

Mr. TRAMMELL. If we are to make an appropriation for the purpose of one building in a State and are to take care of the building needs of the entire State in that way, it would be a little different, but the whole policy heretofore has been to try to consider the demands and needs of the particular post office. I submit that in the State of Florida we have 15 or 20 places which would be entitled to a Government building to-day even if we adopted the old policy that was followed years ago. In size and in receipts I dare say there are at least 20 places that would have buildings to-day even under the old policy that used to be pursued years ago. We are not making a sufficient appropriation to take care of the demands throughout the country, but it is proposed to adopt a policy here which, if literally followed, will not operate so as to ascertain the needs of the particular locality at all except to the extent of one or two buildings.

Florida, on the question of area, might fare better than other States. I think we have 56,000 square miles, though many people do not know it, while there are some other States larger in population that have a very much smaller area.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. TRAMMELL. I yield.

Mr. LENROOT. I think it is true that Florida will suffer under the amendment, but I call attention to the fact that Senators on his side of the aisle forced us to accept the amendment.

Mr. TRAMMELL. I thank the Senator for the suggestion. I think a good many of them though are going to be very sadly disappointed when we get through. They will not get as much as they think they will get even with that kind of an amendment. Of course, if we adopt the proposition offered by the Senator from New Mexico, it would mean four new buildings, if the fund would provide for them, that would have to be provided in every State within the period of the appropriation.

If that is true, we will have some States in the Union that will get an appropriation for a post-office building in some little town of 2,500 or 3,000 population doing a business of only \$10,000 in the way of receipts, because that is what is provided for in the bill, and we will have a great many large cities and towns scattered throughout the country, with probably 10,000 to 20,000 population, with absolutely no provision whatever for a public building. In addition to that, we will have a great many other places, even large cities, with a public building at the present time very much overcrowded and congested, not able to take care of the public business, that will have no funds allotted whatever for enlargement. We will have that condition, too. I am opposed to the amendment.

Mr. LENROOT. I would like to say to the Senator that under the amendment of the Senator from New Mexico it is absolutely certain that Jacksonville can never get a public building. It is impossible.

Mr. TRAMMELL. I am very apprehensive that it will have that effect on the places in Florida and in other States in the Union. I speak for Florida because I know the conditions better there. It would deprive some of the most urgent cases in the whole country of getting any assistance whatever. That is my opinion as to the amendment.

Mr. JONES of New Mexico. Mr. President, I would like to say a word in answer to the prophecy of the Senator from Wisconsin. The statement of the Senator was very positive that if my amendment were adopted they would get no post-office building at Jacksonville, Fla. I would like to know by what authority that statement is made?

Mr. LENROOT. Because the estimate is for \$2,000,000 for a post-office building at Jacksonville, and if it is necessary to have one public building commenced each year in the State of Florida, with the other amendments providing that the fund must be apportioned on the basis of population, area, and postal receipts, it would be impossible under the appropriation to appropriate as much as \$2,000,000 to any one city in a State.

Mr. McKELLAR. We could appropriate a little less sum for Jacksonville and distribute the other part of it proportionately. It is not absolutely obligatory that Jacksonville should have a building.

Mr. JONES of New Mexico. That is the way it seemed to me.

Mr. LENROOT. That is what I meant, that there was not money enough to go around.

Mr. JONES of New Mexico. If we assume a building of that kind, I think the Senator is right.

Mr. TRAMMELL. The conditions and the congestion in Jacksonville, as in many other cities in my State, comprise a greater emergency than exists at some other places. Why should not Jacksonville have recognition? If there is a greater emergency at Jacksonville than at some other place, why should not they have recognition?

Mr. JONES of New Mexico. If I may say a word to the Senator from Florida, has the Senator from Florida any assurance, if the amendment is not agreed to, that Jacksonville will ever get a post-office building?

Mr. TRAMMELL. I have no assurance whatever.

Mr. JONES of New Mexico. Absolutely none; and I am trying to provide that the Senator shall get in his State at least one building a year. Aside from the amendment, he has no assurance that he will get any.

Mr. TRAMMELL. I take it for granted that the officers administering the law will exercise some sense of fairness and justice, and, knowing the conditions in my State, I certainly feel that we would get a reasonable number of buildings.

Mr. JONES of New Mexico. It is quite apparent that in the country there are emergencies calling for at least \$450,000,000 worth of public buildings. As I said a while ago, it is shown here that 19 States which already have public buildings are in dire distress for additions amounting to practically \$50,000,000,



one-half of the whole appropriation proposed to be made in this bill. The great trouble is that the \$100,000,000 ought to be \$400,000,000. Then we could get something done consistent with the public needs. I would like to remind the Senator from Florida that without my amendment he has no assurance of getting anything in his State.

Mr. TRAMMELL. I think I would get more than I would without the amendment.

Mr. REED of Missouri. Mr. President, if we are to call reasonable convenience an emergency or lack of reasonable convenience an emergency, then there are many emergencies. If we do not repeal or modify the Volstead Act and some other acts we shall need the whole \$165,000,000 to enlarge our jails and penitentiaries, and that would be the only real emergency which I think confronts us.

Mr. CARAWAY. If the Senator will let me name those who are to go into the new additions, I will be willing to vote for his proposition.

Mr. REED of Missouri. I will do that if I may be permitted to add just one amendment.

Mr. CARAWAY. The Senator wants to save himself and fellow jurors.

Mr. REED of Missouri. I would like to amend merely to add one additional name.

Mr. President, so far as post offices are concerned, there is no emergency in the real meaning of that term in the English language. Emergency is something of an unexpected character that has suddenly arisen; a sudden or unexpected happening, an unforeseen occurrence or condition, is the best definition. There is an emergency with reference to Federal prisons; there is an emergency in reference to jails; but those are not what we are proposing to erect under this bill. Federal prisoners now are regularly farmed out to county jails where the most abominable and fearful conditions exist. They are sent there because there is not any room in the regular prisons and penitentiaries to receive them. There is not any emergency about post offices.

Let us translate this into plain English. Undoubtedly the Federal Government could, if it practiced reasonable economy, build some post offices and possibly save a small amount of money, although I very much doubt that. I question whether there is a city in the United States where quarters can not be rented at a less rental than the interest on the money which would be expended for the erection of a public building. Nevertheless I do not say that ought to end all desire for public buildings. This bill can not be supported on the ground of either emergency or economy. Let us put it in plain English. Everybody who represents a State would like to have some fine public buildings in the principal cities of his State. So we have a clamor here between Senators as to whether their respective States are going to get their particular share, not upon the ground of existing emergency and existing necessity, for Senators admit the conditions are entirely different in various localities, but because they say, "We have the right to have our share; as these benefits are distributed, we insist we shall have a proportion of them in our respective States." So that, after all, we get down, as was said by the Senator from North Carolina [Mr. SIMMONS] and as has been said by others, to a question of "pork barrel," if we may use that ugly term. Each man as this barrel is rolled out, after it has been carefully headed in, wants to be sure that his piece of "pork" is inside; and yet, Mr. President, there is nothing wrong and there never has been anything wrong when we were erecting public buildings on insisting that they shall not all be put in one part of the country. I am simply discussing the question from the idea so often advanced that these bills are "pork barrel" bills in the sense that every man wants his State to have its share of the benefits. It is a "pork barrel" bill, and every one of these bills have been "pork barrel" bills in that sense, and in no other sense.

However, I want to say to Senators that I do not care how many amendments they may add to the bill, they are not going to get their "pork." If they pass this bill as it is drawn, with these amendments, they will get just as much as somebody who happens to be Secretary of the Treasury sees fit to give them; and if he does not give it to them, what are they going to do about it and how are they going to remedy it? We may lay down our rules and regulations, but what do they amount to? Take this amendment which reads:

*Provided, That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts.*

Suppose he does not do it? He is the man who decides; his ipse dixit is a finality. By this bill Senators are simply saying to the Secretary of the Treasury, "Here are \$165,000,000; go out and spend the money." It is as ridiculous as it would be for Congress to assemble the first of the year and ask the Director of the Budget how much money the Government needed to run itself next year, and to pass a lump-sum appropriation and say to the President—it would be exactly the same thing in principle—"Spend whatever you please on the Army, spend whatever you please on the Navy, spend whatever you please on public buildings." We are abdicationing our duty; we are passing our judgment over to another.

Mr. MAYFIELD. Mr. President, will the Senator from Missouri yield to me?

Mr. REED of Missouri. Yes.

Mr. MAYFIELD. In that connection I desire to direct the Senator's attention to lines 24 and 25, on page 2, and to lines 1, 2, 3, 4, and a part of line 5, on page 3. Beginning in line 24 at the bottom of page 2, the bill reads:

That in carrying into effect the provisions of this act, in so far as relates to buildings to be used in whole or in part for post-office purposes, the Secretary of the Treasury, under regulations to be prescribed by him, shall act jointly with the Postmaster General in the selection of towns or cities in which buildings are to be constructed and the selection of sites therein.

Does not that conflict with the proposed amendment?

Mr. REED of Missouri. Oh, I think it conflicts with the proposed amendment; but that is a different theme from the one I am discussing.

Mr. LENROOT. Mr. President, will the Senator from Missouri yield to me?

Mr. REED of Missouri. I shall get through very much quicker if I do not yield; but I will yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator a question. I should like to know why the Senator says that under the amendment the money will be handed over to the Secretary of the Treasury to be expended where and as he sees fit? The amendment provides that the money can only be expended in accordance with estimates given.

Mr. REED of Missouri. Certainly; and there will be estimates given for scores of places.

Mr. LENROOT. But the Secretary of the Treasury can not estimate for more than \$25,000,000.

Mr. REED of Missouri. But after the estimate shall have been passed up to him he will pick out the places where he says he wants to erect buildings.

Mr. LENROOT. But this is a Budget estimate.

Mr. REED of Missouri. I understand that. I am coming to the matter of the Budget pretty soon.

I discussed a moment ago the question of the check there was by virtue of the Postmaster General having something to say as to this matter. When will the Senate learn, when will the country learn that by appointing a man to office and giving him a title we are not conferring upon him all manner of wisdom and all kinds of a sense of justice? We see a man run for Congress, and the people defeat him; he can not get the indorsement of even a single congressional district. When he was on the floor of the Senate and had that indorsement no man hesitated to challenge his judgment; no man thought of saying to him, "You can act for the House of Representatives and speak for it." Another man is rejected for the Senate. When he is on the floor of the Senate the Senate did not think of meeting and passing a resolution saying, "Senator John Jones can hereafter speak for the Senate." On the contrary, we challenge his judgment and his opinion every minute. But let him be defeated; let the people put the brand of their disapproval upon his acts; then put him in an office with a big title, and we are willing immediately to turn over to him the functions and powers and duties of both branches of Congress. It is absurdity raised to the nth power. I do not want to make it personal. I am a personal friend of the present Postmaster General. He served here in the Senate, and we were just like two brothers—two brothers who never agreed on anything except when we went down to order a meal together. "Further the deponent sayeth not." [Laughter.]

But the State of Indiana is now represented by another man who succeeded the successor of the present Postmaster General. We would not think to-day of saying to the two Senators from Indiana, genial and brilliant as they both are, "Sit down and write this bill and present it and we will O. K. it; you distribute this money; we will give you the power to do it." We would say, "That will not do." They might want to do it in



the fairest way in the world, but they might make mistakes. They might put it all in Indiana.

Mr. WATSON. That would not be a mistake.

Mr. REED of Missouri. Perhaps it would not be a mistake, as the Senator from Indiana suggests. So the utter absurdity of turning over \$165,000,000 to be expended under the supervision of the Secretary of the Treasury and the Postmaster General ought to be manifest.

Moreover, who is going to be Postmaster General six months, a year, or two years from now? Who is going to be Secretary of the Treasury? If we had implicit confidence in both of the incumbents of those offices, we do not know who they will be even day after to-morrow. We do not know to whom we are turning this money over. There may be a political upheaval in this country, and we might get men into those offices whom the present Members of the Senate would not want to trust in any business transaction. We will not get new men, I suppose, until there has been another election, and yet it might happen that the incumbent of the White House and the distinguished Vice President might both be removed from this sphere of earthly action. We would all weep if that took place, and we would regard it as a great national calamity, of course; but here is a proposition that lasts for five years, and we do not know who will be Secretary of the Treasury; we do not know who will be Postmaster General, during that entire period. We do not know who will be Postmaster General. We do not know what the incumbents will do, and of course we can not know what their successors may do.

This whole bill is wrong, and rotten wrong. It is drawn on the wrong principle. The right thing to do is to bring in a post-office bill with estimates and figures that have been gone over carefully by a committee, an ascertainment made of the amount that ought to be appropriated to Philadelphia and New York and Chicago and St. Louis and Jacksonville and these other cities of the United States, and then let the Congress say, in view of the facts, what ought to be done; not turn it over to somebody else and say, "Here is so much money; go and use it."

Then we have another provision in this bill against which I protest, as I have always protested, and that is a proposition that these matters have first to be O. K'd and passed upon by the Director of the Budget.

I shall never cease to be thankful for the fact that I voted against the creation of any Budget master, of any man who was to infringe to the slightest degree upon the constitutional power of Congress, against setting up a man to tell the Congress, which represents all the people of the United States, what it can do and what it can not do. The long story of the ages is that men have gained their liberties through the enlargement of parliamentary right, and that parliamentary right and power have been gained because Parliament exercised the right of fixing the budget and saying to the Crown, "You shall" or "You shall not"; by saying to the Crown, "You can have money" or "You can not have it." So it was grounded in the British constitution and it was inscribed in the American Constitution that the control of the purse strings of this Nation should be vested not even in Senators, but that all revenue bills—which has been construed to mean all supply bills—should originate in the House of Representatives; and why?

The Senator from Wisconsin shakes his head.

Mr. LENROOT. The Senator does not mean to say that an appropriation can not originate in the Senate; does he?

Mr. REED of Missouri. No; I say it has been construed to mean that supply bills, the source of the money, shall originate in the House of Representatives.

That power was put in the House of Representatives because it was closer to the people than the Senate was. It was put there in order that the people could constantly control, in the last analysis, every act of government by refusing to levy taxes and vote supplies; and yet we proceeded to allow the Executive to name a single man who probably has not a personal acquaintance with one-tenth of the body of Congress, and to give to him a power which is to a large extent a veto upon the powers of Congress; and I do not believe, sir, first and last, that he has saved a 5-cent nickel to the people of the United States.

Mr. McKELLAR. On the contrary, he has cost the people of this country enormous sums of money.

Mr. REED of Missouri. Time and time again he has made allowances here for appropriations that in the wisdom of the committees of Congress were found to be too great, and we have cut them down; and yet you put into this very amendment the language—

and unless the said act making appropriations for public buildings shall otherwise specifically provide, appropriations shall be made, and

expended by the Secretary of the Treasury, in accordance with the estimates submitted by the Bureau of the Budget.

The Bureau of the Budget is not elected by the people of the United States. It is not a constitutional office. It is a mere individual named by a President and set up there to control the most important power that is vested in Congress under the Constitution of the United States.

Following that miserable line of surrender, we have from time to time been making these lump-sum appropriations. As was well said by the Senator from North Carolina, we began that policy during the war. It was excusable then; but the initial step, as I remember, was on the river and harbor bill. What was the situation? We recognized the fact that we could afford to expend no new moneys on river and harbor improvements. All that we could do would be to keep the works on rivers and harbors from going to utter waste. Nobody could tell where the disintegration would set in or what disaster would sweep away parts of the works in different sections of the country; and so we placed in the hands of the Chief of Engineers a sum of money to be expended when and where he pleased, with the understanding that he would use it for the purpose of preserving works instead of building new ones.

Having made that departure during the war, we have foolishly continued it to some extent since. This bill, however, is the first one I have heard of in which it is proposed to inject into the policy of public buildings the doctrine that we will allow these public buildings to be erected at the will, practically—that will be the practical effect of it—of one man who happens to be Secretary of the Treasury.

The thing to do is to beat this bill and let a bill be written and brought in here along sound lines, telling the Congress what is proposed to be done in each instance, and letting the Congress pass upon each of the important items. Then Congress will be directing the work of spending the public money, instead of some agency of the administration giving the direction which it is the duty of Congress to lay down.

You may undertake to pass this bill with the idea that somebody wants a post-office building in his State and somebody else wants one in his. Two or three of the projects named in this bill and recognized are in my State; but I am not going to let the desire to get that money control my judgment or my acts for a moment.

Then it was said here a moment ago by some one: "If you do not get this money now, and get what you can get now, how do you know you are ever going to get any?"

That is a strange argument to make in the Senate. The presumption is that the Congress of the United States in the future will have as much sense and as much patriotism as this Congress or its predecessors. The presumption is that future Congresses or this Congress while in session will do their duty, and, if it is necessary to have public buildings, will provide the means for getting them. The doctrine injected in here that we must take this bill or take nothing is a false doctrine. Congress is a continuing body. It exists from time to time; and if this bill is defeated every man with an ounce of brains knows that that will not end the public-building program of this country. You can still get public buildings, and you can still find plenty of men to support them in the hope that they will get a building in their particular city or their particular State. I do not like to put the argument on that base ground, however.

I assume that Congress will do its duty in the future, and that if this bill goes back to the committee, where it ought to go, and the proper bill is brought in, it can be passed at this session of Congress; but let us know what we are doing, and not surrender our rights and our duties to an individual and allow him to do as he pleases.

A dozen disputes have started on the floor in the last few minutes in regard to where this money will be expended and how it will be expended. Pass this bill and you will have those disputes before you during all of the time. You will take them up to the Secretary of the Treasury and try to argue them out, and he will do what somebody under him tells him to do, and you will come back here without any remedy. He will put these buildings just where he wants to put them. Of course, there are the broad lines of the law, and he will get inside of them. Then come the broad lines of his discretion, and he will exercise it; and he will exercise it much as he has exercised his discretion in the past. The South and the West will not get any the best of it.

So, Mr. President, I am opposed to the whole measure.

Mr. FERNALD. Mr. President, if it is desired to debate the bill or the amendments further, I should be inclined to move a recess at this time; but if this amendment as amended could be accepted to-night, I should be glad to have that done.



The VICE PRESIDENT. The question is on the amendment of the Senator from Maine as modified.

The amendment as modified was agreed to.

#### ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and that order will be made.

#### DETROIT RIVER BRIDGE, MICHIGAN

The VICE PRESIDENT laid before the Senate a concurrent resolution of the House of Representatives (H. Con. Res. 24), which was read, as follows:

*Resolved by the House of Representatives (the Senate concurring),* That the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich., be recommitted to the committee of conference.

Mr. BINGHAM. I ask that the concurrent resolution of the House may be considered and agreed to.

The concurrent resolution was considered by unanimous consent and agreed to.

#### LEGISLATIVE APPROPRIATIONS

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10425) "making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 39 and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 46, 47, 48, 50, 51, 52, and 54, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "one at \$2,590, one at \$1,800"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$102,620"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,600"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,400"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$14,060"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 45 and 53.

F. E. WARREN,  
REED SMOOT,  
CHARLES CURTIS,  
A. A. JONES,  
WM. J. HARRIS,

*Managers on the part of the Senate.*

L. J. DICKINSON,  
JOHN W. SUMMERS,  
FRANK MURPHY,  
ROSS A. COLLINS,

*Managers on the part of the House.*

The report was agreed to.

#### APPOINTMENT OF ADDITIONAL JUDGE IN DISTRICT OF MARYLAND

Mr. BRUCE. Mr. President, if there is no objection, I should like to ask the Senate to take up for immediate consideration

Order of Business 696, Senate bill 3418, to create an additional judge in the district of Maryland.

Mr. KING. I hope the Senator will not do that.

Mr. BRUCE. I will say that this is a bill for the better enforcement of the Volstead Act and therefore I trust it will meet universal approval.

Mr. KING. I hope the Senator will not make that request.

Mr. McKELLAR. Mr. President, if this is a bill for the better enforcement of the Volstead Act—and I understand that it is—I think it applies to a place where it needs enforcement, and I hope the bill will be passed.

Mr. BRUCE. The bill has been reported favorably by the Senate Judiciary Committee after fullest consideration.

Mr. KING. Mr. President, I want to say to the Senator that a number of Senators have left with the assurance that not another bill would be taken up to-night.

Mr. BRUCE. There is not the slightest opposition to this bill.

Mr. KING. The trouble is that if we take up this bill some one else will want to have another bill taken up.

Mr. BRUCE. The same course was followed the other day when a bill was passed providing for an extra judge for the western district of New York.

Mr. KING. I shall not object, but I want to be recorded as voting against the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 4, after the word "authorized," to strike out the words "and directed," so as to make the bill read:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional judge of the district court of the United States for the district of Maryland, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

SEC. 2. That this act shall take effect immediately.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill to create an additional judge for the district of Maryland."

#### RECESS

Mr. JONES of Washington. If there is nothing further, I ask that the unanimous-consent order be carried out and that the Senate take a recess until to-morrow at 12 o'clock.

The VICE PRESIDENT. Without objection, it is so ordered.

Thereupon the Senate (at 5 o'clock and 50 minutes p. m.), under the order previously entered, took a recess until to-morrow, Tuesday, May 4, 1926, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

MONDAY, May 3, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and the Father of us all, in the deepest recesses of our breasts may we know that Thou art our Father, full of grace and truth. How we thank Thee to-day for the bright springtime. The orchards are budding, the fields are promising, the flowers are blooming, the birds are singing, the waters are rippling, and on upland and lowland the sunlight is smiling and promise is everywhere. We praise Thee for our old world house; may we treat it well and wisely. Make us to feel its power and glory. Bless our spirits with all that our eyes behold and keep them in tune with the glad springtime. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday, April 30, 1926, was read and approved.

#### QUESTION OF PERSONAL PRIVILEGE

Mr. LaGUARDIA. Mr. Speaker, I rise to a question of personal privilege.

Mr. BLANTON. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Texas makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.